

**Report to the Citizens
of
Pinellas County**

Pinellas County Charter Review Commission

June 30, 2006

Table of Contents

<u>Topic</u>	<u>Page</u>
Introduction	3
Overview of Charter Government and the Pinellas Charter	6
Issues Considered in 2005-06	10
Adopted Recommendations	14
Recommended Charter Amendments, Ballot Language and Special Acts	Appendix A
Memorandum Concerning the Dual Vote	Appendix B
Pinellas County Charter (2004)	Appendix C
Meeting Agendas and Minutes	Appendix D

Introduction

This Report is submitted by the Charter Review Commission pursuant to Section 6.05 of the Pinellas County Charter. Section 6.05 was adopted by the voters of Pinellas County in November of 2004.

The Pinellas County Charter requires that a Charter Review Commission (CRC) be appointed every six years. Once constituted, a CRC operates independently of county government and is required to review, on behalf of the citizens of Pinellas County, the Charter and the operations of the county in order to recommend any amendments to the Charter. The CRC that was first appointed in 2004 was the fourth such CRC since the adoption of the Pinellas County Charter by the voters in 1980.

Charter Review Commissions in Pinellas County are appointed by the Board of County Commissioners. Under normal appointment procedures, a CRC consists of 13 members from the following groups of people:

- One member from the Legislative Delegation who resides in Pinellas county;
- One County Constitutional Officer;
- One member who is an elected city official;
- One member who is an elected County Commissioner; and
- Nine members from the public at-large, none of whom may be an elected official.

The 2004 Charter Review Commission considered many issues during the six-month course of their work. But it quickly became clear to the CRC that they would not have time to complete an in-depth analysis of the charter, build consensus and make significant substantive recommendations within the six-month period of time allotted by the Charter to complete their work.

In addition to four other proposed amendments, the 2004 Charter Review Commission therefore recommended (and the voters approved in November 2004) Amendment #5, which reconstituted the existing CRC beginning November 8, 2004 and continuing its existence through December 1,

2006. In contrast with the normal appointment process and criteria, Amendment #5 specifically provided that the membership of the 2004 CRC would be continued through December of 2006 so as to ensure continuity in terms of knowledge of and progress in analyzing various issues. Nine of the 13 members of the 2004 CRC agreed to continue to serve through 2006.

The reconstituted CRC held an organizational meeting in early February 2005 to select a chair and vice-chair, and be briefed on the basic operations of county government. It subsequently adopted operating rules, identified issues to be examined and adopted a schedule for its upcoming meetings.

Roberts Rules of Order governed the operations of the CRC. However, so as to show strong support for any measure proposing to amend the charter, the CRC adopted a policy requiring a majority-plus-one vote of those present (with not less than eight affirmative votes) before an amendment would be sent to the voters for their consideration. Thus, there would always have to be at least eight affirmative votes for a recommended amendment to be adopted.

Amendments to the Charter that are proposed by the CRC are not subject to a “single subject” rule and multiple issues could be included in a single ballot question. The CRC may also take action in the form of advisory recommendations or resolutions that are not binding on the County.

The Board of County Commissioners (BCC) is required to call a referendum election to be held in conjunction with the November 2006 general election for the purpose of voting on amendments that the CRC has adopted. The BCC may not reject or revise proposed amendments passed by the CRC.

The members of the 2005-06 Charter Review Commission are listed below. They devoted over 800 hours of personal time to the CRC process. Members served without compensation.

2005-06 Pinellas County Charter Review Commission

Member	Residence	Representing
Alan Bomstein, Chair	Dunedin	Public At-Large
Ricardo Davis, Vice Chair	St. Petersburg	Public At-Large
John Bryan	St. Petersburg	Elected City Official
Karen Burns	Gulfport	Public At-Large
James Coats	Largo	County Constitutional Officer
Katie Cole	Belleair	Public At-Large
Robert Decker	North Redington Beach	Public At-Large
Roy Harrell	St. Petersburg	Public At-Large
George Jirotko	Belleair Shore	Public At-Large
Lou Kwall	Palm Harbor	Public At-Large
Susan Latvala	Palm Harbor	Elected County Commissioner
Sallie Parks ¹	Palm Harbor	Public At-Large
James Sebesta	St. Petersburg	Pinellas Legislative Delegation
Roger Wilson	Seminole	Public At-Large

Staff

Kurt Spitzer and Associates, Inc., Tallahassee, provided consulting services. Susan Churuti, Pinellas County Attorney, and the staff of the Office of the County Attorney, provided legal advice. Elithia Stanfield, Assistant County Administrator and the staff of the County Administrator's Office provided research assistance and logistical support.

¹ Sallie Parks was appointed to the CRC to fill the vacancy created by the passing of Roy Harrell in January of 2006. Ms. Parks was a member of the 1998 Charter Review Commission and her service on the current CRC began with the meeting held on April 24, 2006.

Overview of Charter Government in Florida and the Pinellas County Charter

The voters in 19² of Florida's 67 counties have adopted charter forms of government. Well over 80% of the state's residents live in charter counties. The phenomenon of charters is no longer limited to the moderate to large-sized counties; there is now great diversity in the size of Florida's charter counties, ranging from Miami-Dade with a population of 2.3 million people, to Columbia with 58,000 people.

Likewise, there is great diversity in terms of structure and service delivery mechanisms in charter counties, ranging from those jurisdictions where there are no discernable changes in the county, to charters where changes have been adopted affecting the County Officers, the structure of the County Commission and the executive branch, the relationship between the county and its cities, and the rights reserved to the electorate.

The single common thread in all charters is that the electorate is empowered to consider and adopt changes to the structure and powers of the county. Absent the adoption of a charter, the electorate in non-charter counties is bound by a structure and powers that is dictated by the State of Florida, without regard to the complexity of problems confronting the jurisdiction, such as the rate of population growth, density, coordination in the delivery of services, urbanization, demographic diversity, etc.

With a county charter, the opportunity for true home rule at the local level can be fulfilled. The public can change the structure of their county and its service delivery mechanisms, and is better able to consider provisions that can be tailored to address the particular needs of the local community.

² Alachua, Brevard, Broward, Charlotte, Clay, Columbia, Duval, Hillsborough, Lee, Leon, Miami-Dade, Orange, Osceola, Palm Beach, Pinellas, Polk, Sarasota, Seminole and Volusia.

Charters are the local “constitutions” of the county, establishing the structure of the county government, its relationship to the municipalities and other entities, and the rights reserved to all members of the public throughout the entire county.

All charters reflect the sentiments of the local electorate, community leaders and elected officials. All contain some elements based on “politics” and others based on “policy.” But since its adoption in 1980, the Pinellas charter has contained measures that significantly limit the voter’s direct ability to consider charter amendments. The measures contained in the Pinellas Charter are unique in Florida.

In contrast with each of the other 18 county charters in Florida, the Pinellas charter is best described as a “limited home rule” charter. In terms of the amendatory process, it is the most restrictive in the state in that it contains procedural requirements that limit or otherwise restrict the public’s ability to consider or adopt revisions to the charter.

- Amendments concerning the County Constitutional Officers may not be presented directly to the voters for their consideration. They must first be adopted as a Special Act by the Florida Legislature and then placed in front of the voters for their consideration. No other Florida charter has such a provision.
- Amendments granting the Board of County Commissioners the authority to set minimal policy standards on a countywide basis (e.g. environmental protection) may be presented directly to the voters but must be adopted by a “dual vote.” Although occurring during the same election, the amendment must be approved by the voters countywide and also by the municipal voters in which the policy is to be effective. No other Florida charter has a provision requiring a dual vote approval process for amendments authorizing policy standards countywide.

In fact, the original (1980) charter required that almost any proposed amendment would first have to be approved by the Legislature as a Special Act before being considered by the voters of Pinellas County.

The 1998 Charter Review Commission considered two amendments to revise the original policy. One amendment (concerning the County Constitutional Officers) received majority support of the 1998 CRC but failed to receive the necessary majority-plus-one vote (as required by the CRC rules at that time) to be passed as a recommendation.

The other proposal concerned future amendments on countywide policy. It passed the CRC by more than the necessary super-majority vote, with only one member dissenting. Based on the procedures in place at that time, the recommendation was then sent to the Legislative Delegation for their consideration and approval as a Special Act, and then placement on the ballot for consideration by the voters.

The 1998 CRC's proposal would have deleted the requirement that future charter amendments concerning countywide policy must first be approved by the Legislature before the electorate was given an opportunity to vote on an issue. However, after receipt of the CRC's proposal, the Legislative Delegation revised the amendment to the current language in the charter requiring the dual vote. The amended proposal was thereafter approved by the voters.

In addition to the above-mentioned restrictions embedded in the charter itself, there are numerous Special Acts³ that contain their own provisions concerning county government. To the extent that such Acts are usually amended only by a future action of the Legislature, the Acts may serve as additional limitations on the ability of the electorate to consider changes to their county government.

Lastly, it should be noted that the composition of the Pinellas Charter Review Commission may also serve to limit the voter's ability to consider revisions to the charter. Pinellas is the only

³ Such Acts include: The Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, Indian Rocks Special Fire Control District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, Mosquito Control District of Pinellas County, Ozona-Palm Harbor-Crystal Beach Special Fire Control District, Pinellas County Construction Licensing Board, Pinellas County Industry Council, Pinellas County Planning Council, Pinellas County Personnel Board, Pinellas County Water and Navigation Control Authority, Pinellas Park Water Management District, Pinellas Police Standards Council, and Pinellas Sports Authority.

county charter that requires certain categories of elected officials to serve on a review commission.

In its original form, the charter required that six out of the 13 members of a CRC be elected officials⁴. The 1998 Charter Review Commission recommended that the number of elected officials required to serve on a CRC be reduced to four. The voters approved that amendment.

But even in its current form, requiring that four out of the 13 members of a CRC be elected officials serves to lessen the opportunity for a truly independent review of the public's local "constitution." No other charter in Florida contains a provision *requiring* elected officials to serve on a charter review commission; most contain provisions that *prohibit* some or all categories of elected officials and their staff from serving.

Beginning in 2004 and continuing through 2006, the Charter Review Commission has encountered *numerous* instances where they were effectively barred from considering proposals because of the limitations in the charter. In a similar fashion, the limitations that the CRC confronted also operate to restrict the public's right to amend their charter.

The Charter Review Commission recommends that the voters approve the attached amendments so that true Home Rule may be furthered in Pinellas County.

⁴ Two elected city officials; two County Commissioners; one County Constitutional Officer; and, one member of the Legislative Delegation who resides in Pinellas County.

Issues Considered in 2005-06

The Charter Review Commission considered the issues identified below during the course of its deliberations. A brief summary of the subject matter is included with each topic.

1. Local Boards, Authorities and Special Districts – The duties, authority and responsibilities of various local entities. The CRC examined whether the authorization for the entity should be eliminated and transferred to the county charter. However, many of the boards or councils were established pursuant to state law as an independent district and the authority to transfer the entity was not within the purview of either CRC or a charter amendment. Boards and authorities reviewed by the CRC include:

- Construction Licensing Board
- The License Board for Children’s Centers and Family Day Care Homes
- The EMS Authority
- Unified Personnel Board
- Employee Advisory Council
- Pinellas Suncoast Transit Authority
- Water and Navigation District
- Mosquito Control District

A Special Act and charter amendment concerning the Water Navigation and the Mosquito Control Districts are recommended by the CRC.

2. Housekeeping Revisions – The CRC considered several housekeeping revisions to the charter, including the Pinellas Sports Authority, the Industry Council and the reference to the Motor Vehicle Inspection program. Pursuant to a recommendation from the CRC, the Legislature adopted a Special Act in 2006 that dissolved the Sports Authority, which had been dormant for several years.

3. Annexation Policy – The CRC spent several meetings receiving testimony on annexation policy and practices in Pinellas County. Three amendments are recommended for the voter’s consideration. Issues discussed by the CRC include the topics listed below:
 - Preservation Areas
 - Involuntary Annexation
 - Full Authority for Local Policy
 - “Non-Referendum” Referendum Annexations
 - Enclaves
 - Miscellaneous Revisions

4. Legislative Oversight of Amendments Concerning Constitutional Officers – The Pinellas Charter provides that any amendments relating to the County Constitutional Officers must first be approved as a Special Act of the Legislature before being placed in front of the voters of the County. One procedural amendment considered by the CRC was to remove Legislative oversight in this area; however, no amendments are recommended by the CRC in this area.

5. Non-partisan Elections of the Supervisor of Elections – The CRC considered whether to provide that the Supervisor of Elections is elected on a non-partisan basis and without reference to party affiliation. No amendments are recommended by the CRC in this area.

6. Fire Services – The CRC retained MGT of America to conduct an efficiency study of fire services in the county. MGT had conducted a similar study in 1992. The 2006 Report of MGT identified upwards of \$20 million that could be saved in fire service costs based on their recommendations. The MGT Report formed the basis for several options that the CRC considered concerning fire protection and related services in Pinellas County:
 - Single, Countywide Independent District (the recommendation of MGT)
 - Single, Independent District in the Unincorporated Area
 - Authorization for the County Commission to set regional policy or standards
 - Abolishment of Independent Fire Districts

The Charter Review Commission had discussed fire services on numerous occasions. Draft legislation implementing MGT's concept of a single, independent countywide district had been prepared by legal counsel at the request of the CRC. Alternative amendments, such as that to allow the establishment of fire standards countywide, had also been prepared and were being actively considered by the CRC.

However, during a meeting with nine members in attendance, the CRC decided on a 5 to 4 vote to discontinue further consideration of possible recommendations concerning fire services, believing that placing any charter amendment on the ballot at this time would significantly heighten friction between the county, the cities and those in the fire protection profession.

7. County Administrator's Employment Authority - The CRC has adopted a proposed amendment codifying current practice relating to the County Administrator's authority to select, employ, supervise and terminate senior staff.
8. Building Services – A second area of examination that MGT of America undertook was to update that portion of their 1992 study concerning building services. MGT made six recommendations concerning this service area; however, most could be accomplished by interlocal agreement in addition to a charter amendment and the CRC made no recommendations for measures that would be implemented by charter amendments.
9. Deletion of the Charter's Requirement for a "Dual Vote" Concerning Amendments Establishing Countywide Powers - The CRC has adopted a proposed amendment deleting the requirement for a so-called "dual vote" of the public when considering amendments authorizing countywide policy, such as minimal standards to protect the environment.
10. Charter Policy Concerning Future Charter Review Commissions - The CRC has adopted a proposed amendment revising the composition, meeting frequency, duration and other matters concerning charter review commissions.

11. Reporting of Growth and Planning Information – The CRC recommends that the County Commission provide widely distributed, comprehensive information on growth and development activities in Pinellas County to the public on a regular basis.
12. Strategic Planning Council/Council of Governments – The CRC discussed ways in which ongoing mechanisms could be established to assist in building consensus amongst the leadership of cities, the county and other entities. No recommendations are made in this area as the CRC believes that sufficient authority to create such councils already exists.
13. Authority to Repeal Charter – The CRC has adopted a recommendation for a Special Act that (if approved by the electorate in 2008) would allow the consideration of complete revisions to the charter, including a full repeal, or repeal and replacement.
14. Prohibition on the Addition of Fluoride to Drinking Water – The CRC heard testimony and received requests from several individuals and organizations concerning possible negative health effects from the addition of fluoride to the public drinking water supply in Pinellas County. The County Commission had heard similar testimony, hired independent experts, and discussed and debated this issue for many months prior to their decision to add fluoride beginning in 2004. The CRC makes no recommendation in this area, believing that it is ill-equipped to make decisions concerning matters relating to health and that the County Commission is the appropriate forum for this policy matter.
15. State Legislation Concerning the Dual Vote – The CRC recommends that the Legislature reject measures similar considered during the 2006 Session that would seek to adopt a “dual vote” requirement in general law that would be effective statewide.

Adopted Recommendations

1. Transfer of the Authority for Water and Navigation, and Mosquito Control Programs

RECOMMENDATION: The Charter Review Commission recommends that the Water and Navigation and Mosquito Control Districts as created by Special Acts of the Legislature be abolished, and their powers and duties transferred to the Charter as a special power of the County. (Adopted by a vote of 12-0)

The Board of County Commissioners sits as the governing body of both the Water and Navigation District and the Mosquito Control District. Both districts are dependent districts, created by Special Acts of the Legislature and are under the budgetary and policy control of the County Commission.

Pursuant to a request from the Charter Review Commission, the Legislature adopted a Special Acts in 2006 that abolishes the two Districts. The proposed charter amendment codifies the powers and duties of the districts (as previously existed in Special Acts) into Section 2.04 of the charter.

This is a primarily housekeeping amendment. The governing body, budget process, staffing and programmatic authority will not be changed. The only effective change is that if a further revision in these policy areas is needed at some point in the future, an amendment to a Special Act will not be required.

2. County Administrator's Employment Powers

RECOMMENDATION: The Charter Review Commission recommends that Section 4.01(a) of the Charter be amended to provide that the County Administrator may

terminate senior staff without cause and without confirmation of such actions by the Board of County Commissioners. (Adopted by a vote of 11-1)

The charter currently provides that the County Administrator may select, employ, supervise and terminate any employee of the Board of County Commissioners for cause, subject to the provisions of the County Civil Service plan. The termination of persons in unclassified (exempt) positions is subject to confirmation by the Board of County Commissioners.

The amendment deletes the requirement to obtain confirmation by the Board of County Commissioners when the Administrator terminates personnel in unclassified or senior staff positions. The protections contained in the County's Civil Service Plan will remain in effect for personnel in classified positions. The amendment also corrects references to gender in Section 4.01 of the Charter.

Almost all charters specifically allow the manager to employ and terminate senior staff without seeking the approval of the County Commission. Doing so provides a new manager or County Administrator with the ability and flexibility needed to build his or her team of senior management staff.

3. Future Charter Review Commissions

RECOMMENDATION: The Charter Review Commission recommends that Section 6.03 of the Charter be amended to implement several changes concerning Charter Review Commissions to provide for a more independent review of the operation of county government and the county charter. (Adopted by a vote of 11-1)

The Charter currently provides that a Charter Review Commission will be constituted every six years to review the operation of county government "on behalf of the citizens of Pinellas County." The CRC identified several problems with the Charter relating to charter review commissions and the charter review process.

1. Time Allotted to Complete Work - The Pinellas Charter requires that a CRC will be appointed in December and organized not later than the third week in January of the year that their recommendations are to be completed. The work of the CRC must be finished not later than July 31st. The Pinellas Charter affords a CRC the least amount of time to complete its work of any charter in Florida.

After its initial meeting, electing a Chair and Vice-Chair, selecting staff and being briefed on issues, four to six weeks can easily pass. Conducting hearings on recommendations prior to taking final votes can consume an additional month. Thus, the charter effectively allows only three to four months of time to actually examine issues, take testimony, develop consensus and prepare recommendations. All other charters in Florida grant CRCs at least one year.

The 2004 CRC quickly encountered problems associated with the time allotted in the Charter and that was the primary reason why they recommended the continuation of the CRC through 2006.

The CRC recommends that the time allocated for CRCs to complete their work be extended to at least one year, depending upon when the County Commission makes its appointments. Further, the CRC recommends that future Review Commissions be authorized to remain in existence through the date of the appropriate general election for the purpose of supervising public educational or informational efforts concerning any proposed charter amendments.

2. Frequency of Convening – The Charter currently provides that a Review Commission will be constituted every six years. There was debate within the CRC about extending that time to every 10 years. However, the CRC recommends that the review process be shifted to a cycle that occurs every eight years, primarily so that any recommendations will appear on the Presidential election ballot, when voter turnout is typically higher.

Further, Amendment #5 (2004) which extended the 2004 CRC through December 1, 2006 did not make adjustments to Section 6.03 of the Charter. Thus, absent the adoption of Proposed Charter Amendment 3, the next Review Commission must be appointed in December of 2009 – slightly more than three years from now.

3. Public Hearings – The current Charter does not require a CRC to conduct public hearings on its final recommendations. Most other charters have such requirements. The recommended amendment requires future CRCs to conduct at least two public hearings on any recommendations prior to their final adoption and transmittal to the ballot.
4. Expenses and Staff – The proposed amendment clarifies that the CRC may employ its own independent staff, such as consultants and legal counsel. It also provides that the CRC may adopt rules concerning the payment of expenses.
5. Membership – The CRC recommends that the requirement for four elected officials to serve on a Review Commission be repealed, and that elected officials and their staff be prohibited from serving on CRCs in the future.

The Charter should be considered to be the “constitution” for the citizens of Pinellas County. As such, the entity charged with reviewing the Charter should be as independent as possible of those entities that may be affected by the review – the County Commission, the County Constitutional Officers, municipal governments, etc.

The CRC believes that the review process affords many opportunities for more than adequate input from local governments, including their staff and elected officers. But the CRC strongly believes that local elected officials should not sit on the entity charged with reviewing the operations of local governments and the citizen’s charter, and that the review process should not become a forum that stifles input from members of the public.

The most significant debate within the CRC regarding Amendment 3 concerned the prohibition of elected officials from serving as a member of the review entity in the future. But an

amendment to retain the current requirements of the charter failed by a 2 to 10 vote. Alternative revisions concerning a specific distribution of CRC membership (e.g. city residents vs. residents from the unincorporated area) were discussed but no formal motion proposing a specific amendment was made.

However, the Charter Review Commission recognizes the value that a well-balanced membership brings to the review process. The CRC believes that memberships in future review commissions which reflect geographic dispersion throughout the county, city and unincorporated area representation, racial diversity, etc., will serve to help ensure a successful review process. The CRC therefore strongly urges the Board of County Commissioners to consider the above criteria when appointing the next Review Commission.

4. Deletion of the Requirement for the Dual Vote

RECOMMENDATION: The Charter Review Commission recommends that the charter be amended to delete the requirement for a “dual vote” when adopting future charter amendments authorizing the County Commission to set countywide policy or standards.
(Adopted by a vote of 8-4)

Other than fire services, no other issue considered by the Charter Review Commission generated as much testimony, discussion and debate as did Amendment 4 which seeks to delete the charter’s requirement that amendments authorizing specific countywide policies or standards be adopted by a “dual vote.”

Unlike any other charter in Florida, the Pinellas County Charter requires that the public adopt proposed amendments authorizing countywide policy or standards by a “dual vote.” The vote occurs during a single countywide election but the amendment must pass both countywide and in the incorporated area in which the policy is to be effective.

The dual vote policy was added to the charter 1999⁵. The 1998 Charter Review Commission had recommended that the charter be amended to repeal its provision for Legislative oversight of amendments concerning countywide policy. At that time, most proposed amendments were required to be adopted by the Legislative Delegation as a Special Act before being presented to the voters for their consideration. Upon receipt of the CRC's recommendation, the Delegation revised the amendment to provide for the dual vote and the revised proposal was eventually adopted by the electorate.

Amendment 4 has generated much anxiety on the part of municipal elected officials and staff, who are concerned that removing the dual vote requirement intrudes into municipal home rule authority. Numerous resolutions in opposition to Amendment 4 have been received by the CRC. The CRC believes that it is important to understand what Amendment 4 will and will not authorize.

The Florida Constitution requires a dual vote when considering charter amendments that transfer functions or powers from one jurisdiction to another. Functions or powers generally mean employees or assets of a jurisdiction. Charter amendments that authorize the setting of standards countywide (e.g. ordinances establishing environmental quality standards) are not required by the Constitution or Florida Statutes to be adopted by a dual vote.

The dual vote requirements of the Constitution serve to protect a municipal government's assets. But the dual vote provision of the Pinellas Charter operates to limit the countywide voter's ability to determine which level of government will be empowered to set standards that apply to all residents of the county area.

Examples of "functions or powers" that are protected by the constitutional dual vote requirement include city (or county) programs or departments, such as police and fire services. Examples of "policies or standards" include countywide environmental protection, or planning and growth management policies. Such measures could also include countywide fire standards but a city's

⁵ A more detailed discussion of the history and other questions relating to the dual vote may be found in a June 12, 2006 Memorandum to the CRC that is attached as Appendix B.

basic power to provide such functions would remain protected by the dual vote requirement of the Florida Constitution.

Amendment 4 grants no immediate, new powers to the County Commission. It only changes the way in which the voters may adopt measures to assist in coordinating policies on a countywide basis at some point in the future.

In a densely populated, urban area such as Pinellas County, the actions of one jurisdiction can easily affect the residents of an adjacent jurisdiction, which may affect the residents of a neighboring jurisdiction, and so forth.

The precedent to authorize the County Commission to set standards countywide is well-established in the existing charter⁶; however, the requirement for a dual vote did not exist in the charter when the existing provisions were adopted. The CRC believes that the voters of Pinellas County should have the ability to decide who sets standards countywide and in what policy areas.

5. Annexation – Miscellaneous Controls

RECOMMENDATION: The Charter Review Commission recommends that the charter be amended to improve notice and consent requirements for annexations. (Adopted by a vote of 9-3)

If adopted by the electorate and confirmed as a Special Act, Amendment 5 would accomplish three objectives relating to annexation policy in Pinellas County.

- First, written consent of the property owner must be obtained during annexations of parcels where the majority of owners are not registered electors of the area. The acreage of property owned by public entities (such as the State of Florida or a special district)

⁶ Please see Section 2.04, among others.

may not count toward the percentage of property owner approval requirements as contained in Florida law.

- Second, cities may not subject any property to an annexation referendum without the property owner's written consent for a period of seven years from the last date on which the property was subject to referendum.
- Finally, individual notice of a pending annexation must be provided to property owners and electors within an area to be annexed by certified mail.

The Charter Review Commission heard from many individuals and corporations concerning the lack of notice provided in the annexation process, and the problems with repeated attempts at annexing properties within relatively short periods of time by slightly altering the boundaries of the territory to be annexed. The recommendations contained in Amendment 5 will assist in providing adequate notice to homeowners and businesses alike concerning annexations in the future.

6. Annexation – Incentives

RECOMMENDATION: The Charter Review Commission recommends that the charter be amended to prohibit a city or the county from offering to provide material incentives to encourage property owners to agree to be annexed. (Adopted by a vote of 11-1)

The Charter Review Commission received testimony from many individuals stating that they had been offered various incentives by an adjacent municipality in exchange for agreeing to be annexed by the city.

Amendment 6 clarifies that both the county and cities are prohibited from offering material incentives such as cash or other expenditures or improvements. Expenditures or other

improvements that provide a paramount public purpose, including those that further the closure of enclaves, are exempt from the provisions of the amendment.

7. Annexation – Consent Controls

RECOMMENDATION: The Charter Review Commission recommends that the charter be amended to improve consent requirements for annexations involving commercial property where there are no registered electors. (Adopted by a vote of 10-2)

Amendment 7 establishes new policy concerning what is generally referred to as “non-referendum, referendum” annexations where there are typically no electors and the territory to be annexed typically consists of commercial or industrial properties. It requires that two criteria must be met in order for a non-consenting property owner to be annexed.

- First, at least 50% of the perimeter of the property must be surrounded by a combination of either the city proposing the annexation or other consenting property owners; and
- Second, the total percentage of the consenting property owners in the territory proposed to be annexed, on both a parcel and acreage basis, must exceed 67%. As with Amendment 5, property owned by public entities, such as the State of Florida or a special district, may not count toward the satisfaction of the 67% requirement.

The Charter Review Commission received considerable testimony concerning businesses and commercial properties being brought into proposed annexations against their will and with significant effect on their costs of operation. The CRC recommends that the process be revised so as to require more stringent standards for such annexations in the future.

8. Repeal Authority – Recommended Special Act (2007 Legislative Session)

RECOMMENDATION: The Charter Review Commission recommends that the Legislature adopt a Special Act proposing an amendment to the Charter which would authorize consideration of measures to repeal the Charter in the future. (Adopted by a vote of 12-0)

The Charter currently contains no mechanism by which voters may consider a ballot question providing for the repeal of the charter. The recommended Special Act, if adopted by the Legislature during the 2007 Session and thereafter confirmed by the electorate, would authorize the consideration of a measure to repeal the charter (or to repeal the charter and replace it with a new document) at some point in the future.

The Attorney General has opined that a charter must contain specific language authorizing consideration of measures to repeal the document before voters can consider such ballot questions. The Pinellas Charter does not currently have such provisions.

There was no discussion in recommending the repeal of the Charter at the present time but the CRC recommends that the additional authority be added. While the CRC does not believe that the voters of Pinellas County would or should approve an initiative to repeal the Charter and return to a non-charter form of government, authorizing consideration of such measures will help to insulate ballot questions that provide for comprehensive revisions to the charter, or that provide for the repeal and replacement of the charter, from legal challenges.

Appendix A

Recommended Charter Amendments, Ballot

Language and Special Acts

Pinellas County Charter Review Commission

Charter Amendment #1

Mosquito Control and Water and Navigation Control Programs

Section 1. Section 2.04 of Article II of the Pinellas County Charter, as created by Chapter 80-590 Laws of Florida, as amended, is hereby amended by adding Sections 2.04(t) and (u) to read as follows.

Section 2.04 Special Powers of the county.

(t) Development and operation of countywide mosquito control programs.

(u) Development and operation of water and navigation control programs, including: (1) regulating and exercising control over the dredging and filling of all submerged bottom lands in the waters of Pinellas County, together with all islands, sandbars, swamps and overflow lands including sovereignty lands, and regulating and exercising control over the construction of docks, piers, wharves, mooring piles and buoys therein; and (2) performing all things necessary to undertake projects for the construction, maintenance and improvement of portions of the Intracoastal Waterway and other channels within the navigable water of Pinellas County; and (3) undertaking programs for the dredging and maintenance of waterway channels within the incorporated and unincorporated areas of Pinellas County which have become or have been nonnavigable.

Section 2. Article V, Section 5.02(b) of the Home Rule Charter for Pinellas County as created by Chapter 80-590, Laws of Florida, is amended to read:

(b) This document shall in no manner change the status, duties or responsibilities of the following boards, authorities, districts and councils: Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, Indian Rocks Special Fire Control District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, ~~Mosquito Control District of Pinellas County~~, Ozona-Palm Harbor-Crystal Beach Special Fire Control District, Pinellas

County Construction Licensing Board, Pinellas County Industry Council, Pinellas County Planning Council, Pinellas County Personnel Board, ~~Pinellas County Water and Navigation Control Authority~~, Pinellas Park Water Management District, Pinellas Police Standards Council, and Pinellas Sports Authority.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER TO PROVIDE FOR COUNTYWIDE MOSQUITO CONTROL AND WATER AND NAVIGATION CONTROL PROGRAMS

BALLOT QUESTION: Shall Sections 2.04 and 5.02(b) of the Pinellas County Charter be amended to add countywide mosquito control and water and navigation control programs as special powers of the county, and delete the Mosquito Control District of Pinellas County and the Pinellas County Water and Navigation Control Authority from the listing of districts whose status, duties or responsibilities may not be changed by the Charter?

_____ YES

_____ NO

Pinellas County Charter Review Commission

Charter Amendment #2

County Administrator Employment Powers

Section 4.01 of the Pinellas County Charter as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read as follows:

Sec. 4.01. County administrator.

(a) There shall be a county administrator selected and appointed by the affirmative vote of five (5) members of the board of county commissioners, who shall serve until such time as the county administrator shall be removed either by a vote for removal of four (4) members of the board of county commissioners voting for removal in two (2) consecutive, regularly scheduled meetings of the board, or by a vote ~~for~~ removal of five (5) members of the board of county commissioners at any one meeting of the board.

(b) The county administrator shall be a full-time position. He or she shall serve at the pleasure of the board of county commissioners and shall be appointed solely on the basis of his or her executive and administrative qualifications.

(c) The county administrator shall have the following duties:

(1) To administer and carry out the directives and policies issued to him or her by the board of county commissioners, acting as an official body, except that he or she shall not be directed or given authority to make appointments of members to any county boards, commissions or agencies.

(2) ~~Subject to the provisions of county merit or civil service plans, to select and employ personnel to fill all vacancies, positions or employment after~~

~~the board of county commissioners has authorized that such vacancies, positions or employment be filled. Employment of persons in unclassified positions shall be subject to confirmation by the board of county commissioners. To select and employ personnel to fill all vacancies or positions under his or her control and authority, and to supervise said personnel, subject to the provisions and limitations of the county civil service plan.~~

(3) ~~To supervise all departments, department heads and employees of the board of county commissioners and, in his discretion, to terminate for cause the employment of any employees of the board of county commissioners. Termination of persons in unclassified positions shall be subject to confirmation by the board of county commissioners. For those personnel under his or her control and authority:~~

a) ~~to terminate the employment of executive, management, supervisory, professional and other exempt personnel, without confirmation by the board of county commissioners, and~~

b) ~~subject to the provisions and limitations of the county civil service plan, to terminate the employment of classified personnel.~~

(4) After policy has been established by the board of county commissioners, to supervise all aspects of carrying into effect such policy to its completion. He or she shall thereupon report or order a full report to the board of county commissioners of the action taken upon such policy and directives of the board of county commissioners.

- (5) To act as the county budget officer and carry out the duties of such budget officer as required by law or as directed by the board of county commissioners.
- (6) To perform such other duties as may be required of him or her by the board of county commissioners, acting as an official body, or by this Charter.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER TO ADDRESS GENDER REFERENCES AND COUNTY ADMINISTRATOR'S EMPLOYMENT AUTHORITY

BALLOT QUESTION: Shall Section 4.01 of the Pinellas County Charter be amended to correct gender references and allow the County Administrator to select, employ, supervise, and terminate, without confirmation by the Board of County Commissioners, those executive, management, supervisory, and other employees who are under his or her control and authority, and who are exempt from coverage by the county's civil service plan?

_____ YES

_____ NO

Pinellas County Charter Review Commission

Charter Amendment #3

Future Charter Review Commissions

Section 6.03 of the Pinellas County Charter, as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended to read as follows:

Sec. 6.03. Charter review commission.

(a) Not later than June 1 of the year 2011 and every eighth year thereafter, ~~During the month of December, 1985 and every six (6) years thereafter,~~ there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County ~~from the following groups:~~

- ~~(1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;~~
- ~~(2) One (1) constitutional officer;~~
- ~~(3) One (1) member from the elected city officials;~~
- ~~(4) One (1) member from the elected board of county commissioners;~~
- ~~(5) Nine (9) members from the public at large. Elected officials and, none of whom shall be an elected official employees of a local government, county officer or the Legislature may not serve as a member of a charter review commission.~~

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) Each charter review commission shall meet within 30 days after being appointed ~~prior to the end of the third week in January 1986, and every six (6) years thereafter~~ for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of the chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified pursuant to the rules of the ~~by a majority vote of the~~ commission and forwarded to the board of county commissioners for payment from the general fund of the county. The board of county commissioners shall provide space, secretarial and staff assistance, provided that the charter review commission may employ staff, and consult or retain experts as it deems necessary and desirable. . The board of county commissioners may accept funds, grants, gifts, and services for the charter review commission from the state, the government of the United States, or other sources, public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government and the charter in order to recommend amendments to this Charter, if any.

(e) Each charter review commission established pursuant to this section shall

complete its review and submit a report to the citizens of Pinellas County by July 31, ~~2012~~1986, and each eight (8) ~~six (6)~~ years thereafter. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments may, at the discretion of the charter review commission, be included in a single question or multiple questions. If an amendment or revision to the charter is to be recommended, the charter review commission shall conduct at least two (2) public hearings, at intervals of not less than ten (10) days but not more than twenty-one (21) days, immediately prior to the transmittal of its recommendations to the board of county commissioners. The board of county commissioners shall call a referendum election to be held in conjunction with the ~~2012~~1986 general election and each eight (8) ~~six (6)~~ years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments as submitted in the report of the charter review commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment. The charter review commission may remain in existence until the general election for the purpose of conducting or supervising informational or educational efforts concerning the proposed amendments but shall cease to exist as of the date of the general election.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER TO CHANGE CHARTER REVIEW COMMISSION MEMBERSHIP, REQUIRE HEARINGS, AND REDUCE FREQUENCY OF CONVENING

BALLOT QUESTION: Shall Section 6.03 of the Pinellas County Charter be amended to prohibit elected officials and government staff from serving on a Charter Review Commission, require hearings, and reduce frequency of convening Charter Review Commission from every 6 to 8 years, permit employment of independent staff and experts, and allow Charter Review Commissions to remain in existence until the general election to supervise informational or educational efforts?

_____ YES

_____ NO

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Pinellas County Charter Review Commission

Charter Amendment #4

Deletion of the Requirement for Dual Vote

Section 6.04 of the Pinellas County Charter as created by Chapter 80-590, Laws of Florida, as amended, is hereby amended as follows:

Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments need to be referred to or approved by the Legislature prior to any such placement on the ballot. ~~However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee.~~ Such amendments proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and

employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER TO DELETE DUAL VOTE EXCEPT AS REQUIRED BY THE FLORIDA CONSTITUTION

BALLOT QUESTION: Shall Section 6.04 of the Pinellas County Charter be amended to delete the requirement of a dual vote, while retaining the single vote requirement, for any charter amendment effecting a transfer of county, city, or special district service or regulatory authority, so that the Charter procedures will only follow the provisions of the Florida Constitution, which require a dual vote to effect a transfer of a county, city, or special district function or power?

_____ YES

_____ NO

Pinellas County Charter Review Commission

Charter Amendment #5

Annexation - Miscellaneous Controls

Section 2.07 of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended to add three subsections to read as follows:

Sec. 2.07. Annexation.

(1) Notwithstanding any other provision of law, no municipality in Pinellas County may subject any property to an annexation pursuant to Section 171.0413(5) or (6) without obtaining the consent required thereunder or as otherwise required by law pursuant to the following procedure:

- (a) Consent must be express and written and is revocable up until the closing of the public hearing at the final adoption hearing before the local government.
- (b) Such consent shall be obtained by the local government proposing the annexation and shall be secured no earlier than 150 days and no later than 120 days prior to any referendum required pursuant to Section 171.0413(5) Florida Statutes or, in the case of annexations pursuant to Section 171.0413(6) Florida Statutes, no earlier than 180 days and no later than 60 days prior to the first public hearing on the required ordinance. The acreage of consenting special districts, municipalities, the county or the state shall not count toward satisfaction of the percentage of property owner approval requirements contained in Section 171.0413(5) or (6) Florida Statutes or any other

applicable law.

(2) Notwithstanding any other provision of law, without the current property owner's written permission, no municipality in Pinellas County, may subject any property to an annexation referendum pursuant to Section 171.0413 Florida Statutes, for a period of seven (7) years from the last date that such property was last subject to a referendum annexation.

(3) In addition to any notice otherwise required by law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413 Florida Statutes unless individual notice has been provided by certified mail to all registered electors in the event of a referendum and all property owners within the potential annexation area at least 60 days prior to the first public hearing except for actions pursuant to 171.0413(6) Florida Statutes in which case the notice shall be provided 30 days prior to the first public hearing. The notice shall refer the recipient to a phone number or website on the internet where, at a minimum, comprehensive information concerning the financial impact of the proposed annexation on an individual property can be obtained and advising them that there will be additional newspaper notice of the exact area proposed for annexation.

This amendment shall take effect upon the approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER AND APPROVES LEGISLATIVE ACT TO STRENGTHEN ANNEXATION PROCEDURES RELATING TO NOTICE AND CONSENT

BALLOT QUESTION: Shall Section 2.07 of the Pinellas County Charter be amended to restrict annexation without the owner's consent, by requiring an informative mail notice prior to all non-voluntary annexations, establishing a 7-year moratorium on repeat annexation attempts without consent, regulate aspects of obtaining consent and shall special acts of the legislature be approved to implement said restrictions?

_____ YES

_____ NO

Pinellas County Charter Review Commission

Charter Amendment #6

Annexation Incentives

Section 2.07 of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended to add new subsections to read as follows:

Sec. 2.07. Annexation.

Notwithstanding any other provision of law, neither an annexing municipality nor the County may offer, negotiate, agree to provide, or provide, any material incentives or inducements to property owners in conjunction or connection with an annexation proposal. Material incentives or inducements may include, but not be limited to, and by way of example, cash or other expenditures or improvements that do not provide a paramount public purpose. Expenditures in furtherance of the closure of enclaves represent a public purpose.

This amendment shall take effect upon the approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS COUNTY CHARTER AND APPROVES IMPLEMENTING
LEGISLATIVE ACT TO MODIFY ANNEXATION PROCEDURES LIMITING INCENTIVE
EXPENDITURES

BALLOT QUESTION: Shall Section 2.07 of the Pinellas County Charter be amended to limit the expenditure of public funds that do not provide a paramount public purpose to induce annexation and shall special acts of the legislature be approved to implement said restrictions?

_____ YES

_____ NO

Pinellas County Charter Review Commission

Charter Amendment #7

Annexation - Consent Controls

Section 2.07 of the Pinellas County Charter, as created by Chapter 80-590 of the Laws of Florida, as amended, is hereby amended by adding a subsection to read as follows:

Sec. 2.07. Annexation.

Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory pursuant to Section 171.0413(6) Florida Statutes where: 1) a property owner has not given express consent to be annexed unless fifty percent (50%) of the perimeter of that owner's property is surrounded by a combination of either incorporated territory of the annexing jurisdiction or property owners that are subject to the proposed annexation that consent to the proposed annexation; and 2) the total percentage of consenting property owners in the entire proposed annexation area, on both a parcel and acreage basis, exceeds ~~sixty-sevensix~~ percent (67%). The acreage and parcels of consenting special districts, municipalities, the county or the state shall not count toward satisfaction of the sixty-seven percent (67%) requirement.

This amendment shall take effect upon approval by a majority vote of the electors of Pinellas County voting in a referendum election on November 7, 2006.

BALLOT TITLE: AMENDS CHARTER AND APPROVES IMPLEMENTING
LEGISLATIVE ACT TO RESTRICT ANNEXATION WITHOUT CONSENT

BALLOT QUESTION: Shall Section 2.07 of the Pinellas County Charter be amended to restrict
annexation without the owner's consent and shall a special act of the legislature be approved to
implement said restrictions?

_____ YES

_____ NO

PROPOSED SPECIAL ACT

A bill to be entitled

An act relating to Pinellas County; amending chapter 80-590, Laws of Florida; amending home rule charter of the county to provide for local power to repeal the Charter without future reference to the Legislature; providing for a referendum; providing for an effective date

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 6.01 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.01. Proposed by county.

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter or to propose the repeal of the Charter. Any such amendment to or repealer of the Charter shall be subject to referendum at the next scheduled countywide election; provided, however, the board of county commissioners may call a special referendum election for said purpose. Said referendum shall be called by the board of county commissioners and notice of said referendum, together with the exact language of the proposed amendment or repealer, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum.

Passage of proposed amendments to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment.

Section 2. Section 6.02 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.02. Charter initiative.

1) Amendments to or repeal of the Charter may be proposed by a petition signed by registered electors equal to at least ten (10) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified.

Each such proposed amendment or repealer shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment or repealer proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures has been verified. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the

exact language of the proposed amendment or repealer as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment.

2) The sponsor of a petition amendment or repealer shall, prior to obtaining any signatures, submit the text of the proposed amendment or repealer to the supervisor of elections, with the form on which the signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.

3) If approved by a majority of those electors voting on the amendment or repealer at the general election, the amendment or repealer shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 3. Section 6.03 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, Laws of Florida, as amended, is amended as follows:

Article VI, Charter Amendments.

Sec. 6.03. Charter review commission.

(a) During the month of December, 1985 and every six (6) years thereafter, there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County from the following groups:

- (1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;
- (2) One (1) constitutional officer;
- (3) One (1) member from the elected city officials;
- (4) One (1) member from the elected board of county commissioners;
- (5) Nine (9) members from the public at large, none of whom shall be an elected official.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) Each charter review commission shall meet prior to the end of the third week in January 1986, and every six (6) years thereafter for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the

members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The board of county commissioners shall provide space, secretarial and staff assistance. The board of county commissioners may accept funds, grants, gifts, and services for the charter review commission from the state, the government of the United States, or other sources, public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government and shall have the authority in order to recommend amendments to or repeal of this Charter, if any.

(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, 1986, and each six (6) years thereafter. Included within the report shall be any proposed amendments to or repeal of the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments to or repeal of the Charter may, at the discretion of the charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 1986 general election and each six (6) years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments or repealer as submitted in

the report of the charter review commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments to or repeal of the Charter shall require approval of a majority of electors voting in said election on such amendment or repealer.

Section 4.Section 6.04 of Article VI of the Home Rule Charter for Pinellas County, Florida, as created by chapter 80-590, and amended by chapter 99-451, Laws of Florida, is amended as follows:

Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments to or repeal of the Charter proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments to or repeal of the Charter need to be referred to or approved by the Legislature prior to any such placement on the ballot. However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee. Such amendments or repealer

proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

Section 5. A referendum election will be called pursuant to the Charter and Florida Statutes, and the ballot title and question shall be substantially as follows:

BALLOT TITLE: AMENDS CHARTER TO AUTHORIZE REPEAL OF THE CHARTER BY REFERENDUM OF THE ELECTORATE

BALLOT QUESTION: Shall Sections 6.01, 6.02, 6.03, and 6.04 of the Charter be amended to provide for local authority to repeal the Charter without future reference to the Legislature, subject to referendum approval by vote of the electorate?

Section 6. This Act shall take effect only upon its approval by a majority vote of those qualified electors of Pinellas County, Florida, voting in the referendum to be called by the Board of County Commissioners of Pinellas County to be held prior to December 31, 2008, in accordance with the provisions of law relating to elections currently in force, except that this Section shall take effect upon this Act becoming Law.

Appendix B

Memorandum Concerning the Dual Vote



MEMORANDUM

TO: Pinellas County Charter Review Commission

FROM: Kurt Spitzer

DATE: June 12, 2006

RE: Supplemental Information Concerning the Dual Vote

The Charter Review Commission has heard much testimony over the past few weeks concerning Proposed Amendment Four, which seeks to delete the “dual vote” requirements as contained in the Pinellas County charter. This memorandum is intended to assist in clarifying what Amendment Four does and does not do.

1. How is the authority to adopt ordinances different in a charter county as opposed to a non-charter county? In a non-charter county, county ordinances that conflict with municipal ordinances are not effective within the municipality to the extent of the conflict. One of the differences in a charter form of government is that the Florida Constitution requires the county charter to specify which types of ordinances (if any) prevail in the event of a conflict between a county and municipal ordinance. In other words, the constitution directly grants to the voters of a charter county the right to decide which policies should be applied countywide, regardless of where people reside.

The constitution allows such decisions (amendments) to be adopted by a single, countywide vote of the countywide electorate. The Pinellas charter requires a Dual Vote, which is discussed below.

2. How and when was the Dual Vote policy added to the Pinellas Charter? It was adopted by the electorate in November of 1999 based on a proposal originating from the 1998 CRC that was amended by the Legislative Delegation as recommended by municipal governments.

Prior to 1998, most amendments to the Pinellas charter were required to be approved by the Delegation and the Legislature first as a Special Act before being presented to the voters for their

consideration. The 1998 CRC had adopted a recommendation by the necessary supermajority vote (in fact, in this case, with only one member dissenting) to remove such Legislative oversight as relates to future amendments concerning the adoption of policy on a countywide basis, thereby giving the county electorate in Pinellas County the same authority as is enjoyed by the voters in the other 18 charter counties.

The procedural policy at that time required that the recommendation of the CRC be presented to the Delegation for their consideration. When the CRC's proposal was transmitted to the Delegation, one or more municipal governments proposed alternative language (the current "dual vote"). The recommendation of the CRC was revised by the Delegation to include the Dual Vote policy. The revised amendment was passed by the Legislature and then adopted by the voters.

3. How is a Dual Vote counted? There is a single, uniform countywide ballot question that is placed in front of the voters during a single election. The voter's response is measured in two different ways. The proposed amendment must pass on a countywide basis and also in a city in which the provision is to be effective.

4. Is a Dual Vote required by the Florida Constitution? A Dual Vote is not required by the Constitution to approve charter amendments authorizing a Board of County Commissioners to set policy or standards on a countywide basis. The Florida Supreme Court has stated that a single countywide vote is all that is necessary for amendments concerning policies or regulatory standards.

The Court has distinguished between policy or standards, and functions or powers. In the latter case, where a charter amendment might intrude upon a city's provision of services, a dual vote is required by the Florida Constitution. But the Pinellas charter cannot override that constitutional requirement and the proposed amendment is drafted only to restore the Pinellas Charter to the same status enjoyed by voters in the other 18 charter counties in Florida.

5. Is a Dual Vote required by Florida Statutes? A Dual Vote is not required by the Statutes. You'll remember that the CRC has adopted a Resolution expressing its opposition to legislation filed during the 2006 Session that would have required a dual vote policy statewide. That legislation failed to pass; similar legislation had also failed to pass in 2005. The legislation was strongly opposed by the Florida Association of Counties and individual counties, both charter and non-charter alike.

Further, recent case law coming out of Seminole County (a copy of the District Court's decision was previously provided to the CRC) seems to affirm the theory that the constitutional

protections afforded voters in charter counties would operate to negate the effectiveness of such provisions even if they were adopted by the Legislature.

6. Will the adoption of the Proposed Amendment have any immediate effect on the inherent powers of the County Commission? No. The proposed amendment is procedural in nature. It changes the way in which amendments concerning countywide policy or standards may be approved by the *voters* of the county at some point in the future. The amendment by itself grants no new powers to the County Commission. The County Commission cannot implement any new standards without authorization to do so from the voters.

7. Why is the elimination of the Dual Vote desirable? So the electorate has the ability to authorize the County Commission to set countywide standards to address countywide problems as they might emerge at some point in the future. It gives the voters a choice as to who should set regulatory standards and policies, in which programmatic area(s), and in what fashion.

8. Why should a County Commission be authorized to set such standards? In a densely-populated, urban jurisdiction with many municipal governments, there must be a regional entity to assist in coordination of certain policies because the actions of one jurisdiction may affect the residents of an adjacent jurisdiction, which might affect the residents of the next jurisdiction, and the next jurisdiction, etc. The voters should have the ability to respond to urban problems as they emerge by deciding who coordinates policy on a regional basis and in which programmatic or policy areas, if any.

9. What is the opposing view concerning the Dual Vote? The CRC has heard from many city governments and city officials that are opposed to the removal of the requirements for a Dual Vote from the charter. Among other things, doing so intrudes into or limits municipal home rule authority. Leaving the Dual Vote requirement in the charter does afford a "check and balance" in that city governments are further empowered to control standards within their boundaries.

10. Do any of the other 18 county charters contain a "Dual Vote" policy? No. None do and none have ever had such a policy.

11. What examples concerning countywide standards can be observed in the other 18 charter counties? Excluding Miami-Dade and Jacksonville-Duval (their charters are directly embedded

in the Florida Constitution and are therefore not instructive for the purposes of the Pinellas CRC) about half of the other charters contain provisions authorizing the County Commission to adopt policy or set standards countywide, and in those cases only in a limited or narrow basis.

The ability to amend a charter to set such standards has, in my opinion, been used sparingly by the voters in the other charter counties. (See attached spreadsheet.) Generally, it has been limited to those policy areas where logic dictates an area-wide standard, such as environmental protection. Further, the practice typically allows the municipality to set higher standards than those of the County Commission, but not less stringent standards.

12. What examples concerning countywide standards can be observed in the existing Pinellas charter? The Pinellas charter already has numerous provisions where the County Commission is authorized to adopt policy countywide. Many such provisions were “grandfathered-in” from previous Special Acts that were in existence when the charter was adopted. Other provisions authorizing policies are creatures of the charter itself. A partial, summarized listing includes:

- 911 emergency communication system;
- solid waste disposal facilities;
- regional sewage treatment facilities;
- acquisition, development and control of county-owned parks, buildings, and other county-owned property;
- public health or welfare services;
- operation, development and control of the St. Petersburg-Clearwater Airport;
- construction and maintenance of major drainage systems in both the incorporated and unincorporated area;
- design, construction and maintenance of county roads in accordance with law;
- consumer protection programs;
- animal control regulations and programs;
- civil preparedness programs;

Memorandum
June 12, 2006
Page five

- regulation of charitable solicitations;
- one-mill increase in ad valorem taxes in order to make funds available to be used solely to acquire beachfront and other property to be dedicated as public parks for recreational use;
- countywide planning authority as provided by special law;
- provisions for the exclusive method and criteria for voluntary municipal annexation, to the extent provided by general law;
- mosquito control programs; and others.

13. Was a Dual Vote requirement contained in the charter when any of the existing (above) policies authorizing countywide powers were adopted? No.

attachment

Charter Counties - Countywide Policy

<i>County</i>	<i>Population 2004</i>	<i>Number Cities</i>	<i>Countywide Authority?</i>	<i>Policy Area</i>
Alachua	236,174	9	yes	environmental protection if more stringent than that of municipality
Brevard	521,422	15	no	
Broward	1,723,131	30	yes	land use planning; minimum standards for protecting environment
Charlotte	156,985	1	yes	impact fees for county facilities required by new development; countywide comprehensive plan or countywide land development regulations
Clay	163,461	4	no	
Columbia	60,453	2	yes	Minimum countywide standards for regulating adult entertainment; environmental protection; outdoor burning; animal control; hours of sale of alcoholic beverages; firearms and weapons; and, Protection of LOS standards for County-maintained roads

County Population 2004 Number Cities Countywide Authority? Policy Area

<i>County</i>	<i>Population 2004</i>	<i>Number Cities</i>	<i>Countywide Authority?</i>	<i>Policy Area</i>
Duval	840,474	4	yes	(consolidated government)
Hillsborough	1,108,435	3	yes	EPC
Lee	521,253	5	no	
Leon	263,896	1	no	
Miami-Dade	2,379,818	34	yes	(metropolitan government)
Orange	1,013,937	13	yes	minimum standards for regulating adult entertainment and protecting the environment
Osceola	225,816	2	no	

STATE OF FLORIDA DEPARTMENT OF REVENUE DIVISION OF REVENUE REPORTING SYSTEMS

<i>County</i>	<i>Population 2004</i>	<i>Number Cities</i>	<i>Countywide Authority?</i>	<i>Policy Area</i>
Palm Beach	1,242,270	37	yes	protection of wells and wellfields; impact fees for schools, county parks, solid waste disposal, law enforcement, county roads.
Pinellas	943,640	24	yes	
Polk	528,389	17	no	
Sarasota	358,307	4	no	
Seminole	403,361	7	yes	planning
Volusia	484,261	17	yes	growth management commission; minimum standards for protection of environment; beach access and unified beach code

Appendix C

**Pinellas County Charter
(2004)**

PART I
CHARTER*

* **Editors Note:** Printed herein is the county's charter, being Laws of Fla. ch. 80-590, § 1. The charter was effective upon approval at referendum. The charter was approved at an election held on Oct. 7, 1980. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

Preamble

Article I. Creation of Government

- Sec. 1.01. Body corporate.
- Sec. 1.02. Name and county seat.

Article II. Powers and Duties of the County

- Sec. 2.01. Powers and duties.
- Sec. 2.02. Security of rights of citizens.
- Sec. 2.03. Exercise of powers.
- Sec. 2.04. Special powers of the county.
- Sec. 2.05. Contractual services and transfer of contractual services.
- Sec. 2.06. Limitation of powers.
- Sec. 2.07. Annexation.

Article III. Legislative Branch

- Sec. 3.01. Board of county commissioners.
- Sec. 3.02. Enactment of ordinances and resolutions.
- Sec. 3.03. Non-interference.

Article IV. Administration of County Government

- Sec. 4.01. County administrator.
- Sec. 4.02. County attorney.
- Sec. 4.03. County officers.

Article V. General Provisions

- Sec. 5.01. Effect on local county laws.
- Sec. 5.02. Special laws.

Article VI. Charter Amendments

- Sec. 6.01. Proposed by county.
- Sec. 6.02. Charter initiative.
- Sec. 6.03. Charter review commission.
- Sec. 6.04. [Placement on ballot.]
- Sec. 6.05. Reconstitution of 2004 Charter review commission.

Article VII. Severability

- [Sec. 7.01. Provisions severable.]

Article VIII. Transition Provisions

- Sec. 8.01. Proceedings continued.
- Sec. 8.02. Outstanding bonds.

PREAMBLE

Whereas, the board of county commissioners of Pinellas County, Florida, presently derives its legal authority from a combination of general laws, general laws of local application which apply only to Pinellas County, and special laws, all of which emanate from the Legislature of the State of Florida, and

Whereas, under this legal framework the powers, duties and responsibilities of the board of county commissioners are difficult, if not impossible to define, and

Whereas, the only legal method available to the board of county commissioners to define its powers, duties, and responsibilities under the Constitution of the State of Florida is the adoption of a Home Rule Charter, and

Whereas, the board of county commissioners believes that such a charter should be conceived in the interest of cooperation with the municipalities and other governmental units of this county, with the integrity of the rights of the municipalities guaranteed.

ARTICLE I.

CREATION OF GOVERNMENT

Sec. 1.01. Body corporate.

Pinellas County shall be a body corporate and politic, and shall have all rights and powers of local self-government which are now or may hereafter be provided by the constitution and laws of Florida and this Charter and as such may contract and be contracted with, and may sue and be sued and be impleaded in all the courts of this state and in all matters whatsoever.

Sec. 1.02. Name and county seat.

The corporate name shall be Pinellas County, hereinafter referred to as the county. Said name shall be so designated in all legal actions or proceedings involving the county. The county seat shall be that presently designated by law.

ARTICLE II.

POWERS AND DUTIES OF THE COUNTY

Sec. 2.01. Powers and duties.

The county shall have all powers of local self-government not inconsistent with general law, with special law approved by vote of the electors, or with this Charter.

In the event of a conflict between a county ordinance and a municipal ordinance, the county ordinance shall prevail over the municipal ordinance when general law provides that a county ordinance shall prevail over a municipal ordinance, or when it concerns a power of local county government lawfully and constitutionally

enacted by special law at the time of the adoption of this Charter, except that the county shall not hereafter amend such special law or laws to increase or expand the county's power, jurisdiction, or services over the municipalities or their powers or services. The county ordinance shall prevail over the municipal ordinance when a special law enacted subsequent to the adoption of this Charter and approved by a vote of the electorate provides that a county ordinance shall prevail over a municipal ordinance or when the county is delegated special powers within an area of governmental service enumerated in this Charter. In all other cases where a county ordinance conflicts with a municipal ordinance, the municipal ordinance shall prevail.

Sec. 2.02. Security of rights of citizens.

In order to secure protection to the citizens of the county against abuses and encroachments, the county shall use its powers, whenever appropriate, to provide by ordinance or to seek remedy by civil or criminal action for the following:

- (a) *Prohibition of conflict of interest.* The board of county commissioners shall enact a conflict of interest ordinance pertaining to all elected officials, appointed officials, and all employees of said officials of Pinellas County government, within ninety (90) days after the effective date of the Charter. By said ordinance the board shall be empowered to institute procedures by which any such official may be removed from office, except for those officers for which removal is provided under the state constitution.
- (b) *Just and equitable taxation while recognizing other local governments' jurisdictions to set their own millage.* The grant of the powers contained herein shall not be construed in any way to allow the county to claim any portion of any city's ten-mill taxing power.
- (c) [*Public property.*] Proper use of public property belonging to Pinellas County government.
- (d) [*Public records.*] Full access to public records and proceedings of Pinellas County government.
- (e) *Protection of human rights.* The county shall establish provisions, pursuant to state and federal law, for protection of human rights from discrimination based upon religion, political affiliation, race, color, age, sex, or national origin by providing and ensuring equal rights and opportunities for all people of Pinellas County.
- (f) *Protection of consumer rights.* The county shall establish provisions for the protection of consumers.

Sec. 2.03. Exercise of powers.

All powers of the county shall be exercised in accordance with this Charter; or, if the Charter contains no provision for execution, then by ordinance, resolution or action of the board of county commissioners.

Sec. 2.04. Special powers of the county.

The county shall have all special and necessary power to furnish within the various municipalities the services and regulatory authority listed below. When directly concerned with the furnishing of the services and

regulatory authority described in this section, county ordinances shall prevail over municipal ordinances, when in conflict. Governmental powers not listed or described in this Charter or granted to the county by general statute or special act shall remain with the municipalities.

- (a) Development and operation of 911 emergency communication system.
- (b) Development and operation of solid waste disposal facilities, exclusive of municipal collection systems.
- (c) Development and operation of regional sewage treatment facilities in accordance with federal law, state law, and existing or future interlocal agreements, exclusive of municipal sewage systems.
- (d) Acquisition, development and control of county-owned parks, buildings, and other county-owned property.
- (e) Development and operation of public health or welfare services or facilities in Pinellas County.
- (f) Operation, development and control of the St. Petersburg-Clearwater International Airport.
- (g) Design, construction and maintenance of major drainage systems in both the incorporated and unincorporated area.
- (h) Design, construction and maintenance of county roads in accordance with law.
- (i) Implementation of regulations and programs for protection of consumers.
- (j) Implementation of animal control regulations and programs.
- (k) Development and implementation of civil preparedness programs.
- (l) Coordination and implementation of fire protection for the unincorporated areas of the county.
- (m) Operation of motor vehicle inspection facilities, including inspection of auto emissions systems.
- (n) Production and distribution of water, exclusive of municipal water systems and in accordance with existing and future interlocal agreements.
- (o) Implementation of programs for regulation of charitable solicitations.
- (p) All powers necessary to provide municipal services in the unincorporated areas of the county and in accordance with any existing and future interlocal agreement.
- (q) All powers necessary to transfer the functions and powers of any other governmental agency upon approval by the governing body of that agency and the board of county commissioners.

- (r) All power necessary, upon approval of a vote of the electors, to levy a one-mill increase in ad valorem taxes in order to make funds available to be used solely to acquire beachfront and other property to be dedicated as public parks for recreational use. This subsection shall in no manner limit a municipality from levying any such tax under any authorization it might have at this time or may receive in the future.
- (s) Countywide planning authority as provided by special law. In the event of a conflict between a county ordinance adopted pursuant to the county's countywide planning authority as provided by special law and a municipal ordinance, the county ordinance shall prevail over the municipal ordinance; however, a municipal ordinance shall prevail over a county ordinance in the event a municipal ordinance provides for a less intense land use or a lesser density land use within the corporate boundaries of the municipality than that provided by county ordinance.
- (t) All powers necessary to establish by ordinance the exclusive method and criteria for voluntary municipal annexation, including the delineation of areas eligible for annexation, to the extent provided by general law.

(Laws of Fla. ch. 88-458, § 1; Res. No. 88-496, 12-6-88; Ord. No. 00-66, § 2, 8-22-00)

Editors Note: Laws of Fla. ch. 88-458, and Res. No. 88-496, adding subsection (s), were approved by referendum Nov. 8, 1988. Ord. No. 00-66, adding subsection (t), was approved by referendum Nov. 7, 2000.

Sec. 2.05. Contractual services and transfer of contractual services.

Additional services may be furnished within the municipalities when the county is requested to do so by a majority vote of the governing body of the municipality and is so authorized by a majority vote of the board of county commissioners.

Sec. 2.06. Limitation of powers.

The county shall not have the power, under any circumstances, to abolish any municipality or in any manner to change the status, duties, or responsibilities of the county officers specified in section 1(d), art. VIII of the state constitution. The county shall exercise its powers to ensure that property situate within municipalities shall not be subject to taxation for services rendered by the county exclusively for the benefit of the property or residents in unincorporated areas, nor shall property situate in unincorporated areas be subject to taxation for services provided by the county exclusively for the property or residents within municipalities, all in accordance with the laws of the State of Florida and the Constitution of the State of Florida as they now provide or as they may be amended from time to time.

Sec. 2.07. Annexation.

Nothing in this Charter shall prevent a municipality from annexing an unincorporated area into its municipal boundaries, except that all annexations shall be in accordance with the exclusive method and criteria for voluntary municipal annexation, including the delineation of areas eligible for annexation, adopted by ordinance under the authority elsewhere provided for in this Charter.

(Ord. No. 00-66, § 3, 8-22-00)

Editors Note: Ord. No. 00-66 was approved by referendum Nov. 7, 2000.

ARTICLE III.

LEGISLATIVE BRANCH

Sec. 3.01. Board of county commissioners.

The legislative body of county government shall be the Board of County Commissioners. The Board of County Commissioners shall be increased from five commissioners to seven commissioners, with four of the seven commissioners residing one in each of four county commission districts, the districts together covering the entire county and as nearly equal in population as practicable, and each commissioner being nominated and elected only by the qualified electors who reside in the same county commission district as the commissioner, and with three of the seven commissioners being nominated and elected at large. Each of the three at-large commissioners shall reside one in each of three districts, the three districts together covering the entire county and as nearly equal in population as practicable. Initial redistricting shall be accomplished by the Board of County Commissioners in accordance with Section 1(e) of Article VIII of the Florida Constitution. The election, term of office, and compensation of members shall all be in accordance with general law. (Laws of Fla. ch. 99-472, § 1)

Editors Note: The changes authorized by Laws of Fla. ch. 99-472 were approved by referendum Nov. 2, 1999.

Sec. 3.02. Enactment of ordinances and resolutions.

All ordinances and resolutions shall be passed by an affirmative vote of a majority of the members of the board of county commissioners voting, in accordance with the procedures established by general law.

Sec. 3.03. Non-interference.

(a) It is the intent of the county to separate the legislative and administrative branches of government. Except for the purpose of inquiry and information or as otherwise permitted by law, the board of county commissioners and its members shall deal with county employees who are subject to the direction or supervision of the administrator solely through the administrator, and neither the board nor its members shall give any commands, directives or instructions to, or make any other demands or requests of, any such employee, either publicly or privately.

(b) Nothing in this section shall be construed to prohibit individual members of the board from interaction, communication and observation of all aspects of county government operations so as to obtain independent information to assist the board in the formulation of policies to be considered by the board. It is the express intent of this section, however, that any such action not interfere with the administrative operations of the county and that recommendations for change or improvement in county administrative operations be made to, and through, the administrator.

(Res. No. 04-123, 7-27-04)

Editors Note: Res. No. 04-123 was approved by referendum Nov. 2, 2004.

ARTICLE IV.

ADMINISTRATION OF COUNTY GOVERNMENT

Sec. 4.01. County administrator.

(a) There shall be a county administrator selected and appointed by the affirmative vote of five (5) members of the board of county commissioners, who shall serve until such time as the county administrator shall be removed either by a vote for removal of four (4) members of the board of county commissioners voting for removal in two (2) consecutive, regularly scheduled meetings of the board, or by a vote of removal of five (5) members of the board of county commissioners at any one meeting of the board.

(b) The county administrator shall be a full-time position. He shall serve at the pleasure of the board of county commissioners and shall be appointed solely on the basis of his executive and administrative qualifications.

(c) The county administrator shall have the following duties:

- (1) To administer and carry out the directives and policies issued to him by the board of county commissioners, acting as an official body, except that he shall not be directed or given authority to make appointments of members to any county boards, commissions or agencies.
- (2) Subject to the provisions of county merit or civil service plans, to select and employ personnel to fill all vacancies, positions or employment after the board of county commissioners has authorized that such vacancies, positions or employment be filled. Employment of persons in unclassified positions shall be subject to confirmation by the board of county commissioners.
- (3) To supervise all departments, department heads and employees of the board of county commissioners and, in his discretion, to terminate for cause the employment of any employees of the board of county commissioners. Termination of persons in unclassified positions shall be subject to confirmation by the board of county commissioners.
- (4) After policy has been established by the board of county commissioners, to supervise all aspects of carrying into effect such policy to its completion. He shall thereupon report or order a full report to the board of county commissioners of the action taken upon such policy and directives of the board of county commissioners.
- (5) To act as the county budget officer and carry out the duties of such budget officer as required by law or as directed by the board of county commissioners.
- (6) To perform such other duties as may be required of him by the board of county commissioners, acting as an official body, or by this Charter.

(Ord. No. 00-69, § 2, 9-12-00; Res. No. 04-123, 7-27-04)

Editors Note: Ord. No. 00-69, amending subsection (a), was approved by referendum Nov. 7, 2000. Res. No. 04-123, amending subsection (a), renumbering subsection (5) as subsection (6), and adding a new subsection (5) was approved by referendum Nov. 2, 2004.

Sec. 4.02. County attorney.

(a) There shall be a county attorney selected by the board of county commissioners who shall serve at the pleasure of the board. The office of county attorney shall not be under the direction and control of the county administrator but shall instead be responsible directly to the board of county commissioners.

(b) The county attorney shall be an attorney licensed to practice law in the State of Florida for at least three (3) years. Upon appointment, he shall be employed full time by said county. The county attorney shall employ such assistant county attorneys and special assistant county attorneys, on either a full-time or part-time basis, as may be necessary, upon approval of the board of county commissioners.

(c) The office of county attorney shall be responsible for the representation of county government, the board of county commissioners, the county administrator, constitutional officers and all other departments, divisions, regulatory boards and advisory boards of county government in all legal matters relating to their official responsibilities. The office of county attorney shall prosecute and defend all civil actions for and on behalf of county government and shall review all ordinances, resolutions, contracts, bonds and other written instruments.

Sec. 4.03. County officers.

This document [Charter] shall in no manner change the status, duties, or responsibilities of the [following] county officers of Pinellas County:

The clerk of the circuit court, property appraiser, tax collector, sheriff, and supervisor of elections.

ARTICLE V.

GENERAL PROVISIONS

Sec. 5.01. Effect on local county laws.

All existing laws, ordinances, resolutions, rules, regulations, and policies of the county shall remain operative except where inconsistent or in direct conflict with this Charter, until amended or repealed by the board of county commissioners.

Sec. 5.02. Special laws.

(a) Special laws of the State of Florida relating to or affecting Pinellas County and general laws of local application which apply only to Pinellas County, except those laws relating exclusively to a municipality, the school board or one of the boards, authorities, districts or councils listed in subsection (b) and except those laws dealing with saltwater fishing, wetlands, aquatic preserves, or bird sanctuaries, shall become county ordinances of Pinellas County and shall remain in full force and effect to the extent they are not in conflict with this Charter, subject to amendment or repeal by the board of county commissioners.

(b) This document shall in no manner change the status, duties or responsibilities of the following boards, authorities, districts and councils: Pinellas Suncoast Transit Authority, Emergency Medical Services Authority, Fresh Water Conservation Board, Indian Rocks Special Fire Control District, Juvenile Welfare Board, License Board for Children's Centers and Family Day Care Homes, Mosquito Control District of Pinellas County, Ozona-Palm Harbor-Crystal Beach Special Fire Control District, Pinellas County Construction Licensing Board, Pinellas County Industry Council, Pinellas County Planning Council, Pinellas County Personnel Board, Pinellas County Water and Navigation Control Authority, Pinellas Park Water Management District, Pinellas Police Standards Council, and Pinellas Sports Authority.

(c) In order to provide government which is responsive to the people, the powers granted by this Charter shall be construed liberally in favor of the county government, except in those areas where jurisdiction is granted to, or reserved to, the municipalities. This Charter shall not be construed to authorize or grant power to county government to perform services within the various municipalities beyond those specifically enumerated in this Charter. The specified powers in this Charter shall not be construed as limiting, in any way, the general or specific powers of the government.

ARTICLE VI.

CHARTER AMENDMENTS

Sec. 6.01. Proposed by county.

The board of county commissioners by ordinance passed by an affirmative vote of not less than majority plus one (1) member shall have the authority to propose amendments to this Charter. Any such amendment shall be subject to referendum at the next scheduled countywide election; provided, however, the board of county commissioners may call a special referendum election for said purpose. Said referendum shall be called by the board of county commissioners and notice of said referendum, together with the exact language of the proposed amendment, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

Sec. 6.02. Charter initiative.

1) Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least ten (10) percent of the number of registered electors of the county at the time of the last preceding general election. No more than forty (40) percent of those registered electors signing petitions shall reside in any one (1) at-large county commission district. No more than thirty (30) percent of those registered electors signing petitions shall reside in any one (1) single-member county commission district. Such petition shall be filed with the clerk of the circuit court in his capacity as clerk of the board of county commissioners, together with an affidavit from the supervisor of elections certifying the number of signatures which has been verified as registered electors of Pinellas County at the time the signature was verified. Each such proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each charter amendment proposed by petition shall be placed on the ballot by resolution of the board of county commissioners for the general election occurring in excess of ninety (90) days from the certification by the supervisor of elections that the requisite number of signatures has been verified. However, the County Commissioners may call a special referendum election for said purpose. Notice of said referendum, together with the exact language of the proposed amendment as submitted on the petition, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

2) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the supervisor of elections, with the form on which the signatures will be affixed,

and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. The sponsor shall submit signed and dated forms to the supervisor of elections and upon submission pay all fees as required by general law. The supervisor of elections shall within forty-five (45) days verify the signatures thereon. Notwithstanding the time limits hereinabove signatures on a petition circulated prior to one general election shall not be valid beyond the date of that election.

3) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

(Amd. of 11-03-98; Ord. No. 00-68, § 2, 9-12-00)

Editors Note: Ord. No. 00-68, amending subsection 1), was approved by referendum Nov. 7, 2000.

Sec. 6.03. Charter review commission.

(a) During the month of December, 1985 and every six (6) years thereafter, there shall be established a charter review commission composed of thirteen (13) members. The members of the commission shall be appointed by the board of county commissioners of Pinellas County from the following groups:

- (1) One (1) member from the Pinellas County Legislative Delegation residing in Pinellas County;
- (2) One (1) constitutional officer;
- (3) One (1) member from the elected city officials;
- (4) One (1) member from the elected board of county commissioners;
- (5) Nine (9) members from the public at large, none of whom shall be an elected official.

Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) Each charter review commission shall meet prior to the end of the third week in January 1986, and every six (6) years thereafter for the purposes of organization. The charter review commission shall elect a chairman and vice-chairman from among its membership. Further meetings of the commission shall be held upon the call of chairman or any three (3) members of the commission. All meetings shall be open to the public. A majority of the members of the charter review commission shall constitute a quorum. The commission may adopt other rules for its operations and proceedings as it deems desirable. The members of the commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the charter review commission shall be verified by a majority vote of the commission and forwarded to the board of county commissioners for payment from the general fund of the county. The board of county commissioners shall provide space, secretarial and staff assistance. The board of county commissioners may accept funds, grants, gifts, and services for the charter review commission from the

state, the government of the United States, or other sources, public or private.

(d) The charter review commission shall review, on behalf of the citizens of Pinellas County, the operation of county government in order to recommend amendments to this Charter, if any.

(e) Each charter review commission established pursuant to this section shall complete its review and submit a report to the citizens of Pinellas County by July 31, 1986, and each six (6) years thereafter. Included within the report shall be any proposed amendments to the Charter, together with the wording of the question or questions which shall be voted on at referendum. Proposed amendments may, at the discretion of the charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 1986 general election and each six (6) years thereafter, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments as submitted in the report of the charter review commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

Editors Note: Amendments to § 6.03 were approved at referendum in Nov. 1984.

(Amd. of 11-3-98)

Sec. 6.04. [Placement on ballot.]

Any other section of the Pinellas County Charter, chapter 80-590, Laws of Florida, notwithstanding, except for any proposed amendments affecting the status, duties, or responsibilities of the county officers referenced in §§ 2.06 and 4.03 of this Charter, charter amendments proposed under § 6.01 (proposed by Pinellas County Commission), § 6.02 (proposed by citizens' initiative), or § 6.03 (proposed by a Charter Review Commission) shall be placed directly on the ballot for approval or rejection by the voters and it shall not be a requirement that any such proposed amendments need to be referred to or approved by the Legislature prior to any such placement on the ballot. However, any charter amendment affecting any change in function, service, power, or regulatory authority of a county, municipality, or special district may be transferred to or performed by another county, municipality, or special district only after approval by vote of the electors of each transferor and approval by vote of the electors of each transferee. Such amendments proposed by the Board of County Commissioners must be approved by ordinance passed by a majority plus one member. The power to amend, revise, or repeal this Charter by citizens' initiative shall not include amendments relating to the county budget, debt obligations, capital improvement programs, salaries of county officers and employees, the levy or collection of taxes, or the rezoning of less than 5 percent of the total land area of the county.

(Laws of Fla. ch. 99-451, § 1)

Editors Note: The additions authorized by Laws of Fla. ch. 99-451 were approved by referendum Nov. 2, 1999.

Sec. 6.05. Reconstitution of 2004 Charter review commission.

(a) The members of the charter review commission appointed to serve in 2003 shall be deemed members of a reconstituted 2004 charter review commission, which shall serve from November 8, 2004 through December 1, 2006. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(b) On behalf of the citizens of Pinellas County, the reconstituted charter review commission shall continue to examine the Pinellas County Charter, the operations of the Pinellas County government and any limitations imposed upon those operations by the charter or any special acts of the Legislature. This examination will include review of the Pinellas Assembly process, further investigation by consultants as deemed necessary and discussions with municipal officials and members of the Pinellas County Legislative Delegation. After such examination, the reconstituted charter review commission will have the authority to make recommendations for amendments, including substantial revision of the Charter. Prior to submitting such recommendations, the reconstituted charter review commission shall hold three public hearings at intervals of not less than ten (10) nor more than twenty (20) days. At the final hearing, the reconstituted charter review commission shall incorporate any recommendations it deems desirable, vote upon a proposed form of revised charter, and forward said charter to the board of county commissioners.

(c) The reconstituted charter review commission established pursuant to this section shall complete its review and submit a report to the board of county commissioners no later than June 30, 2006, unless such time is extended by the board of county commissioners. Included within the report shall be any proposed amendments to the Charter, which may include substantial revisions of the Charter, together with the wording of the question or questions, which shall be voted on at referendum. Proposed amendments may, at the discretion of the reconstituted charter review commission, be included in a single question or multiple questions. The board of county commissioners shall call a referendum election to be held in conjunction with the 2006 general election, for the purpose of voting on the proposal or proposals submitted by the charter review commission. Notice of each such referendum, together with the exact language of the proposed amendment or amendments as submitted in the report of the charter revision commission, shall be published by the board of county commissioners once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first such publication being at least forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

(d) Except as otherwise provided in this Section 6.05, the provisions of Section 6.03 of the Charter shall apply to the operation of the reconstituted 2004 charter review commission.

(e) This section 6.05 shall be repealed effective January 1, 2007.
(Res. No. 04-123, 7-27-04)

Editors Note: Res. No. 04-123, adding section 6.05, was approved by referendum Nov. 2, 2004.

ARTICLE VII.

SEVERABILITY

[Sec. 7.01. Provisions severable.]

If any article, section, subsection, sentence, clause, or provision of this Charter is held invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to render invalid or unconstitutional the remaining provisions of this Charter.

ARTICLE VIII.

TRANSITION PROVISIONS

Sec. 8.01. Proceedings continued.

All petitions, hearings and other proceedings pending before any office, officer, department or board on the effective date of this Charter shall be continued and completed under Charter government.

Sec. 8.02. Outstanding bonds.

All bonds, revenue certificates, and other financial obligations of the county outstanding on the effective date of this Charter shall continue to be obligations of the county.

Appendix D

Meeting Agendas and Minutes

Pinellas Park, Florida, June 19, 2006*

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 5:31 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Susan Latvala, County Commissioner
James F. Coats, Sheriff (via telephone conference call)
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Robert C. Decker
Louis Kwall (via telephone conference call)
Sallie Parks
Roger Wilson

Late Arrival:

Katie Cole
George Jirotko, Circuit Court Judge

Absent:

Jim Sebesta, State Senator

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Kurt Spitzer, KS&A
Other interested individuals
Cathy Fickley, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes
3. Consideration of the Proposals of the CRC and Any Amendment Thereto

* Minutes for the meeting of June 19, 2006 as prepared by the Clerk's Office but not formally approved by the Charter Review Commission.

June 19, 2006

- a. A#1 – Abolishment of Special Dependent Districts
 - b. A#2 – Administrator Employment Powers
 - c. A#3 – Future Charter Review Commissions
 - d. A#4 – Deletion of the Requirements for the Dual Vote
 - e. A#5 – Annexation (Miscellaneous Controls)
 - f. A#6 – Annexation (Limitations on Incentives)
 - g. A#7 – Annexation (Consent Requirements)
 - h. Special Act – Future Authorization to Repeal Charter
4. Discussion of Final Report of the CRC
 5. Other Business
 6. Adjourn

WELCOME

Chairman Bomstein called the meeting to order, introduced the members of the CRC, noted the presence of a quorum; and related that Sheriff Coats and Mr. Kwall are attending the meeting via telephone conference call.

* * * *

At this time, 5:31 P.M., Mr. Kwall left the meeting.

* * * *

MINUTES OF THE MEETING OF JUNE 8, 2006 – APPROVED

Chairman Bomstein presented the minutes of the meeting of June 8, 2006, and after receiving no response to a request for corrections, declared the minutes approved as submitted.

CONSIDERATION OF CRC PROPOSALS AND ANY AMENDMENTS THERETO

Chairman Bomstein provided a brief overview of the public hearing process; noted that the members had received approximately 33 email messages; related that the public would only be permitted to speak with regard to the proposed amendment language to the proposed charter amendments at this meeting; and that the rules established by the members require a majority plus one, or eight votes, to approve any action.

June 19, 2006

* * * *

At this time, 5:34 P.M. and 5:36 P.M., Ms. Cole and Judge Jirotko entered the meeting, respectively.

* * * *

Amendment No. 1 – Abolishment of Special Dependent Districts

Attorney Churuti related that abolishment of the dependent special districts has been accomplished; that the special acts have been signed into law by the governor; that the charter amendment adds special dependent districts as special powers of the county; and that no structural changes have been made with the exception that in the future, the laws can be amended on a local level.

* * * *

At this time, 5:37 P.M., Mr. Kwall joined the meeting via telephone conference call.

* * * *

Mr. Spitzer noted that there are no amendments to the proposed charter amendment; whereupon, Commissioner Latvala moved, seconded by Ms. Parks, that Amendment No. 1, Abolishment of Special Dependent Districts, be approved to go forward as part of the final report. Upon call for the vote, the motion carried unanimously.

Amendment No. 2 – County Administrator Employment Powers

Mr. Spitzer indicated that the proposed charter revision would correct gender references; and that it would codify the current practice as it relates to the County Administrator's ability to terminate senior staff without seeking the approval of the Board of County Commissioners (BCC); whereupon, he noted that there are no amendments to the proposed charter amendment.

Commissioner Latvala moved, seconded by Councilmember Bryan, that Amendment No. 2 be approved.

Mr. Kwall indicated that he has previously stated his opposition to the proposed amendment; and clarified that it is not a reflection on the current County Administrator. Upon roll call, the vote was:

June 19, 2006

Ayes: Burns, Bryan, Jirotko, Latvala, Parks, Decker, Wilson, Cole, Bomstein and Coats.

Nays: Davis and Kwall.

Absent and Not Voting: Sebesta.

Chairman Bomstein noted that Amendment No. 2, County Administrator Employment Powers, has been approved to go forward as part of the final report.

Amendment No. 3 – Future Charter Review Commissions

Mr. Spitzer provided an overview of the proposed charter amendment as previously written; and related that an eight-year timeline had been recommended in order to fall in conjunction with the November presidential ballot when voter turnout may be higher; that the CRC be authorized to retain and employ independent staff; that the CRC be authorized to pay expenses based upon rules that it adopts; that future CRCs be required to hold at least two hearings prior to final transmittal of any recommendation to the ballot; and that the CRC remain in existence through the November General Election in order to supervise or conduct public informational campaigns; whereupon, he noted that the original draft deletes the requirement that four elected officials of four different categories serve on future CRCs, and prohibits elected officials and staff of local government from serving on future CRCs.

Mr. Spitzer related that Councilmember Bryan has submitted an amendment identical to the proposed language, with the exception that it does not alter the current requirement that four elected officials serve on the CRC; whereupon, he noted and corrected two technical errors in the proposed amendment, with the concurrence of Councilmember Bryan.

Thereupon, Councilmember Bryan commented that elected officials provide invaluable feedback to the commission members; and pointed out that during the public hearings, 17 people were in favor of maintaining elected officials on the charter panel; whereupon, in rebuttal, Commissioner Latvala related that she is unaware of any elected officials who serve on city charter review panels; and that the meetings have turned into forums for elected officials, and as a result, very few citizens have attended or provided input. During discussion and in response to query by Mr. Decker, Mr. Spitzer related that Pinellas is the only charter county that requires four elected officials to serve on the CRC.

No one appeared in response to the Chairman's call for persons wishing to be heard; whereupon, Councilmember Bryan moved, seconded by Mr. Decker, that the amendment to the proposed Charter amendment be approved. Chairman Bomstein called the question, and noted that a super majority is not required for an amendment to the proposed charter amendment. Upon roll call, the vote was:

June 19, 2006

Ayes: Bryan and Decker.

Nays: Burns, Davis, Jirotko, Latvala, Parks, Wilson, Cole, Coats, Kwall and Bomstein.

Absent and Not Voting: Sebesta.

Chairman Bomstein noted that the motion failed, 2 to 10; whereupon, Commissioner Latvala moved, seconded by Mr. Davis, that Amendment No. 3 move forward with the previously drafted language.

Discussion ensued during which Ms. Cole suggested that the BCC be given parameters within which to appoint suitable representatives from the entire county; and Mr. Bomstein commented that a recommendation could be incorporated into the final report to the BCC requesting that they address the diversity of future CRCs during the appointment process; whereupon, Councilmember Bryan pointed out that the amendment language cannot be adjusted; and that if an amendment to the proposed charter amendment has not been submitted, the language remains as previously adopted.

Thereupon, at the request of the Chairman, Commissioner Latvala referred to the composition of the current CRC and indicated that the majority of members live in cities; that only four members are from the unincorporated area; and that future county commissions would continue to appoint charter panels in this manner as the BCC consists of single member districts and at-large members; whereupon, in response to query by Judge Jirotko pertaining to the rationale for eliminating all elected officials, Commissioner Latvala responded that one reason is due to poor attendance by some elected members; reiterated that other county charters are not comprised of elected officials; and added that if the expertise of constitutional officers is required, they would be invited to make presentations to the charter panel.

During further discussion pertaining to a technical question, Attorney Churuti reported that a new administrative rule has been promulgated to harmonize the ballot questions statewide; and Chairman Bomstein commented that he will be requesting that the members empower him to act on behalf of the CRC in conjunction with the County Attorney's Office with regard to the resolution of technical, not substantive, issues.

Thereupon, Mr. Wilson moved, seconded by Mr. Decker, that Amendment No. 3 be approved; whereupon, Chairman Bomstein called the question. Upon roll call, the vote was:

Ayes: Burns, Davis, Jirotko, Latvala, Parks, Decker, Wilson, Cole, Coats, Kwall and Bomstein.

June 19, 2006

Nays: Bryan.

Absent and Not Voting: Sebesta.

Chairman Bomstein noted that Amendment No. 3, Future Charter Review Commissions, has been approved to go forward as part of the final report.

Amendment No. 4 – Deletion of the Requirements for the Dual Vote

Chairman Bomstein reported that the County Attorney has suggested a change to the ballot question language; whereupon, he read the previous language as follows, “Shall Section 604 of the Charter be revised to delete the requirement of the dual vote retaining a single vote requirement for any amendment affecting a transfer of city, county or special district service or regulatory authority so that the Charter procedures will follow the provisions of the Florida Constitution?”

Attorney Churuti acknowledged that the new language is less understandable, but that it may be easier to defend should there be challenges; and stated that the members will have to decide whether to have clarity for the voters or specificity for the court system; whereupon, she described the process of a past challenge to a proposed charter amendment.

Discussion ensued regarding the clarity of the language, and upon query by Ms. Parks, Attorney Churuti provided a summary of what the dual vote requires; whereupon, Ms. Parks suggested that language be included that states that services provided by the cities will remain protected by the Florida Constitution.

Judge Jirotko and Ms. Burns suggested that a vote be taken to ascertain how many members would be in support of the proposed language change; whereupon, Mr. Decker moved, seconded by Ms. Burns, that the amended language be approved. Following discussion, Ms. Burns withdrew her second; whereupon, Chairman Bomstein stated that the motion is defeated for lack of a second.

Discussion continued during which Attorney Churuti noted that new Supreme Court case law pertaining to the dual vote issue has recently been distributed to the members; and suggested that the Chairman be delegated the ability to work with the County Attorney’s Office in its effort to clarify the amendment language prior to submission of the final report by July 1; whereupon, Commission Latvala moved, seconded by Mr. Wilson, that Amendment No. 4 be approved; and that the Chairman be authorized to work with the County Attorney’s Office in clarifying the amendment language.

During additional discussion, Councilmember Bryan expressed concern with regard to the rewriting of the amendment; and Chairman Bomstein stated that he would email

any changes to the members, or a meeting could be scheduled to vote on the issue prior to July 1. Deliberations continued with regard to the delegation of authority to the Chairman; whereupon, following concerns expressed by several members, Attorney Churuti suggested that staff attempt to craft language to enable the members the opportunity to vote at this time. In response to query by Councilmember Bryan, Chairman Bomstein indicated that the motion on the table is to approve the proposed amendment and delegate authority to the Chairman; whereupon, Mr. Bryan discussed the following issues concerning the proposed amendment:

- A total of 45 citizens spoke in opposition to the proposed dual vote amendment during the public hearing process.
- Approximately 17 cities have enacted resolutions in opposition to placing the amendment on the ballot.
- Many cities have hired attorneys for consultation and possible legal challenges.
- Passage of the amendment may affect city/county relations.

Following a suggestion by Sheriff Coats to provide clarification of the language, Attorney Churuti distributed proposed amended language for review, a copy of which has been filed and made a part of the record. Discussion continued regarding the proposed language and the dual vote issue during which Chairman Bomstein expressed concern with the language; whereupon, Attorney Churuti suggested that the members revert to the original language, and additional discussion ensued.

Noting the concern of several members, Commissioner Latvala withdrew the portion of her motion delegating authority to the Chairman, and the seconder concurred. Chairman Bomstein clarified that the motion is to approve Amendment No. 4 as originally submitted, and not as amended by the County Attorney; whereupon, discussion continued concerning the most recent amendment language.

* * * *

At the direction of Chairman Bomstein, there being no objection, the meeting was recessed at 6:46 P.M. and reconvened at 7:02 P.M. in order to enable the County Attorney's Office to continue to review the wording of the proposed amendment.

* * * *

June 19, 2006

Referring to a document containing revised amendment language that had just been distributed, a copy of which has been filed and made a part of the record, Attorney Churuti noted that the new ballot title reads, "Amends Charter to Delete Dual Vote Except When Required by the Florida Constitution"; and stated that the new ballot question reads, "Shall Section 6.04 of the Charter be amended to delete the requirement of a dual vote and retaining a single vote requirement, for any Charter amendment effecting a transfer of county, city, or special district service or regulatory authority, so that the Charter procedures will follow the provisions of the Florida Constitution that requires a dual vote to effect a transfer of a county, city or special district function or power"? During discussion, Mr. Wilson suggested that "As" replace "When" in the ballot title, and no objections were noted. Chairman Bomstein requested and received consensus by the members to vote on the entire issue; whereupon, Councilmember Bryan commented that Commissioner Latvala had a motion on the floor.

Thereupon, Sheriff Coats moved that the members vote on the amendment as modified; however, the motion died for lack of a second. In response to query by Mr. Kwall regarding Commissioner Latvala's motion, Chairman Bomstein stated that the motion had been withdrawn before the recess, and Commissioner Latvala concurred.

Thereupon, Mr. Kwall moved, seconded by Sheriff Coats, that the original language be adopted to go forward as part of the final report. Following discussion and upon roll call, the vote was:

Ayes: None.

Nays: Burns, Bryan, Davis, Jirotko, Latvala, Parks, Decker, Wilson, Cole, Bomstein, Kwall and Coats.

Absent and Not Voting: Sebesta.

Thereupon, Mr. Kwall moved, seconded by Sheriff Coats, that the language presented by Attorney Churuti following the recess be approved; whereupon, Chairman Bomstein clarified that the motion includes approval of the amendment and the amending language, and the seconder concurred. Following discussion pertaining to clarification of the amending language and upon roll call, the vote was:

Ayes: Cole, Wilson, Decker, Latvala, Davis, Kwall, Coats and Bomstein.

Nays: Parks, Jirotko, Bryan and Burns.

Absent and Not Voting: Sebesta.

June 19, 2006

Chairman Bomstein noted that Amendment No. 4, Deletion of the Requirements for the Dual Vote, has been approved to go forward as part of the final report.

Amendment No. 5 – Annexation (Miscellaneous Controls)

Attorney Bennett provided an overview of the proposed charter amendment and noted that the proposed amendment to the amendment would include notice to both property owners and registered electors in a referendum election; whereupon, in response to query by Ms. Parks, he indicated that the intent of the maker of the original motion was to ensure that both property owners and electors received notice; and that the language had not been included in the proposed amendment.

Mr. Kwall moved, seconded by Mr. Davis, that Amendment No. 5 be approved as modified; whereupon, during discussion, Councilmember Bryan noted that ten people spoke in opposition and three people in favor of the proposed amendment during the public hearing process; and expressed concern regarding the fact that the proposed amendment requires more than a majority to win an initiative at the election polls. In response to query by Mr. Wilson, Councilmember Bryan related that he is addressing all of the amendments concerning annexation, and not just Amendment No. 5.

During additional discussion, Chairman Bomstein pointed out that a two-thirds majority is required only in non-referendum referendum elections; and Councilmember Bryan commented that the annexation items would also have to be approved by the legislature; that a state law would have to be enacted making Pinellas County an exception to state annexation laws; and that approximately 98 percent of annexations are successful, negating the need for a special law; whereupon, Chairman Bomstein related that the intent of the amendments is to address abuses to the annexation system. Discussion continued during which Commissioner Latvala stated that the purpose of the proposed annexation amendments is to put protections in place for citizens who do not wish to be annexed; and that the BCC has always been in support of voluntary annexations.

Discussion continued pertaining to the process whereby a citizen can revoke consent to annex up until the closing of the second public hearing, the seven-year hiatus, and a letter addressing proposed changes to the amendment received from Mr. Hamilton, representing the Pinellas Planning Council; whereupon, Chairman Bomstein called the question. Upon roll call, the vote was:

Ayes: Wilson, Parks, Latvala, Jirotko, Davis, Burns, Coats, Kwall and Bomstein.

Nays: Cole, Decker and Bryan.

June 19, 2006

Absent and Not Voting: Sebesta.

Chairman Bomstein noted that Amendment No. 5, Miscellaneous Controls, has been approved to go forward as part of the final report.

Amendment No. 6 – Annexation (Limitations on Incentives)

Attorney Bennett reviewed the proposed amendment, and noted that there are no recommended changes; whereupon, he referred to a letter from City of Pinellas Park Attorney James W. Denhardt, a copy of which has been filed and made a part of the record, and noted that Mr. Denhardt indicated that incentives should not be an issue with regard to voluntary annexations. Attorney Bennett related that after conducting research, he has determined that incentive issues exist with both voluntary and involuntary annexations; whereupon, Chairman Bomstein added that the CRC had determined that material incentives would apply in any situation that did not serve a paramount public purpose.

Following additional discussion, Ms. Parks moved, seconded by Commissioner Latvala, that Amendment No. 6 be approved; whereupon, Chairman Bomstein called the question. Upon roll call, the vote was:

Ayes: Burns, Davis, Jirotko, Latvala, Parks, Decker, Wilson, Cole, Kwall, Coats and Bomstein.

Nays: Bryan.

Absent and Not Voting: Sebesta.

Chairman Bomstein noted that Amendment No. 6, Limitations on Incentives, has been approved to go forward as part of the final report.

Amendment No. 7 – Annexation (Consent Requirements)

Attorney Bennett provided an overview of the proposed amendment; whereupon, Chairman Bomstein reiterated that it addresses commercial property owners who are voluntarily requesting to annex into a city; and that the amendment change states that only 33 percent of unwilling neighboring properties can be forced to annex.

June 19, 2006

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At this time, 7:46 P.M., Mr. Kwall left the meeting.

* * * *

Following a brief discussion, Commissioner Latvala moved, seconded by Mr. Wilson, that Amendment No. 7 be approved . Upon roll call, the vote was:

Ayes: Burns, Davis, Jirotko, Latvala, Parks, Wilson, Cole, Bomstein and Coats.

Nays: Bryan and Decker.

Absent and Not Voting: Sebesta and Kwall.

Chairman Bomstein noted that Amendment No. 7, Consent Requirements, has been approved to go forward as part of the final report.

Special Act – Future Authorization to Repeal Charter

* * * *

At this time, 7:48 P.M., Mr. Kwall returned to the meeting via telephone conference call.

* * * *

Chairman Bomstein advised Mr. Kwall that Amendment No. 7 had passed by a vote of 9 to 2; whereupon, Attorney Churuti indicated that Mr. Kwall could vote on the item. Mr. Kwall voted in the affirmative; whereupon, Chairman Bomstein noted that the final vote of Amendment No. 7 is 10 to 2.

Attorney Churuti explained that the Special Act would afford future CRCs the ability to repeal the charter; and noted that the St. Petersburg Chamber of Commerce has endorsed the provision; whereupon, Commissioner Latvala moved approval of the Special Act.

Chairman Bomstein added that the legislature must pass the Special Act to grant future CRCs the authority to repeal the charter if they deem it necessary; whereupon, Mr. Decker seconded the motion. Upon roll call, the vote was:

June 19, 2006

Ayes: Cole, Wilson, Decker, Parks, Latvala, Jirotko, Davis, Bryan, Burns, Coats, Kwall and Bomstein.

Nays: None.

Absent and Not Voting: Sebesta.

DISCUSSION OF FINAL REPORT OF THE CRC

Mr. Spitzer referred to a draft copy of the final report; noted that the report and proposed amendments are due to the BCC no later than July 1; and that he will complete the report and submit it to the members for review by early next week.

In response to query by the Chairman, Attorney Churuti related that the final report does have to be approved by the members; that the draft can be approved tonight; that authority can be delegated to the Chairman to ensure that all information has been included in the final report; that as previously discussed, he has authority to work with the County Attorney's Office to ensure that the ballot question language has been conformed to the Florida Administrative Code provisions; and that no substantive changes are expected to be made.

Councilmember Bryan moved, seconded by Ms. Parks, that Chairman Bomstein be delegated the authority to review and approve the final report and ballot question language. In response to query by Attorney Churuti regarding an opportunity for the members to review another draft final report, Mr. Spitzer indicated that he would distribute the report; and Chairman Bomstein added that he will make certain that each member receives a copy of the report; and that comments can be made to Mr. Spitzer with regard to any inconsistencies.

During discussion, Mr. Decker commented with regard to the members' earlier recommendation that the BCC be given parameters pertaining to the composition of future CRCs during the appointing process; and requested that the recommendation be included in the final report; whereupon, Chairman Bomstein noted consensus by the members; and at the request of the Chairman, Councilmember Bryan moved, seconded by Ms. Parks, that the additional recommendation be accepted.

OTHER BUSINESS

Attorney Churuti indicated that it is typical to delegate authority to the Chairman at the end of the CRC process to make corrections to scrivener's errors, grammar and technical issues; and that any errors will be included in the report; whereupon, Commissioner Latvala

June 19, 2006

commented that authority to approve any expenditures to close out the session should also be included.

Thereupon, Ms. Cole moved, seconded by Mr. Decker and carried, that authority be delegated to the Chairman to correct errors and approve expenditures.

Discussion continued during which Attorney Churuti suggested that the panel be officially adjourned as of election day, November 7, 2006, unless the Chairman is required to reconvene the panel before that date; whereupon, Mr. Davis moved, seconded by Ms. Parks, that the panel be officially adjourned as of November 7, 2006. Following a brief discussion and upon call for the vote, the motion carried unanimously.

Thereupon, Attorney Churuti announced that the panel, once reconstituted, is required to serve through December 1, 2006; and that it can be adjourned today with the understanding that the Chairman may need to reconvene the panel if necessary; whereupon, Chairman Bomstein requested and received consensus by the members to amend the language of the previous vote.

* * * *

At this time, 7:59 P.M., Mr. Kwall left the meeting.

* * * *

During discussion pertaining to the public education process, Assistant County Administrator Elithia V. Stanfield referred to the 2004 session and reminded the members that they had committed to speaking engagements, but that county staff had ultimately handled a lot of the educational process. She related that staff was in an awkward position at times advocating for issues that were the results of an independent body; whereupon, she requested that the members give consideration to the issue during deliberation pertaining to the public education process. Chairman Bomstein urged the members to do their civic duty in representing the commission.

Chairman Bomstein expressed appreciation to Mr. Spitzer and the members; whereupon, in response to query by Mr. Wilson, Attorney Churuti indicated that the members continue to fall under the Sunshine Law; and that an appearance at a public forum for the purpose of educating the public is considered a public forum exception to the Sunshine Law.

Mr. Davis, Commissioner Latvala and Ms. Burns expressed appreciation to the Chairman, other members, and Roy Harrell.

June 19, 2006

ADJOURNMENT

The meeting was adjourned at 8:07 P.M.

St. Petersburg, Florida, June 8, 2006

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the St. Petersburg City Council Chambers, 175 5th Street North, St. Petersburg at 6:15 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Robert C. Decker
Sallie Parks
Roger Wilson

Late Arrival:

George Jirotko, Circuit Court Judge

Absent:

Ricardo Davis, Vice-Chairman
Katie Cole
James F. Coats, Sheriff
Louis Kwall
Susan Latvala, County Commissioner
Jim Sebesta, State Senator

Also Present:

Dennis R. Long, Managing Assistant County Attorney
Kurt Spitzer, KS&A
Other interested individuals
MaryAnn Penhale, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes
3. Review of the Pinellas County Charter
4. Review of the Proposals of the CRC
5. Public Comment
6. Discussion of Final Meeting

7. Other Business
8. Adjourn

WELCOME

Chairman Bomstein called the meeting to order, introduced the members and non-members of the CRC, and noted that Sheriff Coats, Ms. Cole, Mr. Kwall, and Commissioner Latvala are unable to attend tonight's meeting.

MINUTES OF THE MEETING OF MAY 22, 2006 – APPROVED

Chairman Bomstein presented the minutes of the meeting of May 22, 2006, and after receiving no response to a request for corrections, Ms. Parks moved approval; and Chairman Bomstein declared the minutes approved as submitted.

REVIEW OF THE PINELLAS COUNTY CHARTER

Mr. Spitzer conducted a PowerPoint presentation titled *Charter Review Process*, a copy of which has been filed and made a part of the record; whereupon, he reviewed historical background information regarding the Charter Review Commission, and provided highlights of the following:

- ❖ 1968 Constitutional Revision of home rule powers
- ❖ key provisions of charters
- ❖ number of Florida counties that have adopted charters
- ❖ examples of primary policy areas that may be changed by a charter

* * * *

At this time, 6:25 P.M., Judge Jirotko entered the meeting.

* * * *

- ❖ Pinellas County's limited home rule charter
- ❖ 2004 recommendations of the CRC

REVIEW OF THE PROPOSALS OF THE CRC

Continuing with the PowerPoint presentation, Mr. Spitzer stated that the seven proposed amendments and recommendations would accomplish the following:

- ❖ modernize the Pinellas County Charter
- ❖ improve annexation procedures
- ❖ revise the Charter Review process

Attorney Long presented a brief overview of proposed Amendment No. 1 regarding the abolishment of the Mosquito Control and Water and Navigation Districts with the transfer of governmental authority from the legislative special act to a county ordinance; whereupon, Mr. Spitzer reviewed the following proposed amendments:

- ❖ Amendment No. 2 – codifies current practice whereby the County Administrator may terminate senior staff (similar to amendment that failed in November 2004 election)
- ❖ Amendment No. 3 – provides various changes regarding future CRCs
- ❖ Amendment No. 4 – deletion of dual vote requirement for adoption of proposed amendments authorizing countywide policy or standards

Attorney Long summarized the remaining proposed amendments related to annexation:

- ❖ Amendment No. 5 – regarding consent requirements, non-referendum referendum process, seven-year moratorium on repeat attempts at annexing property, enhancement of notification requirements
- ❖ Amendment No. 6 – regarding prohibition of material incentives to property owners in conjunction with annexation
- ❖ Amendment No. 7 – regarding consent controls in non-referendum referendum annexations

Attorney Long also outlined the CRC's recommendation for a proposed Special Act for the authority to consider repeal of the charter in the future.

Chairman Bomstein stated that the proposed amendments are items that will be brought to the voters; and that the Special Act would be sent to the legislative delegation for its consideration.

PUBLIC COMMENT

In response to Chairman Bomstein's call for persons wishing to be heard, the following individuals appeared and stated their concerns. During discussion, Chairman Bomstein, Councilmember Bryan, Attorney Long, and Mr. Spitzer provided clarification of various issues presented by the speakers.

- Councilmember Rick Kriseman, City of St. Petersburg, re commission make-up
- Councilmember James Bennett, City of St. Petersburg, re elected members, future CRCs
- Councilmember Earnest Williams, City of St. Petersburg
- Councilmember Jeff Danner, City of St. Petersburg, re dual vote
- Mayor Rick Baker, City of St. Petersburg
- Beth Rawlins, Clearwater, re dual vote
- John Elias, City of Seminole, re dual referendum
- Tom Brobeil, Gulfport, re dual referendum
- Mayor Michael Yakes, City of Gulfport, re dual referendum (submitted resolutions from 11 municipalities in opposition to elimination of dual referendum)
- Tim Caddell, City of Pinellas Park
- Ray Brooks, Oldsmar, representing Manufactured and Mobile Homeowners of Pinellas County, re modernization and annexation
- Michele King, Gulfport, re dual vote
- Scott McGuff, Fire Chief, Oldsmar, re dual vote
- James W. Denhardt, St. Petersburg, city attorney for Pinellas Park and town attorney for Redington Shores, re dual referendum annexation
- Donald A. Shea, St. Petersburg, St. Petersburg Downtown Partnership, re Charter Review Committee composition – keep elected officials eligible to serve
- Norman Roche, Clearwater, re public comment
- John Milford, Gulfport, re dual referendum
- Mayor Ward Friszolowski, City of St. Pete Beach, re proposed Charter changes
- Tom Muntz, St. Petersburg, re annexation
- Jim Thaler, Gulfport, re dual referendum
- Jack Olsen, Gulfport, re dual referendum
- Mark L. Epstein, Gulfport, re dual referendum
- Greg Stemm, Gulfport, Executive Director, Gulfport Chamber of Commerce, re dual referendum
- Al Davis, Gulfport, re dual referendum
- Shauna Morris, Frazer Hubbard Brandt Trask & Yacavone LLP, representing cities of Gulfport, Dunedin, Oldsmar, and Belleair Bluffs re amendment to Section 6.04 of Pinellas County Charter
- Sheldon Schwartz, St. Petersburg, re dual vote
- Karl Nurse, St. Petersburg, President, Council of Neighborhood Associations (CONA), re dual vote
- James L. Yacavone III, Clearwater, representing City of Tarpon Springs and Town of Indian Shores, re dual vote
- Jim Millican, Largo, Somerset Lakes Association, re annexation
- Marsha Young, Tierra Verde, re annexation – support of ballot initiatives
- John Little, President, Pinellas County Council of Fire Fighters, re Amendment No. 4

June 8, 2006

Nicholas Fortsch, Clearwater, re government pulling together for common good
Kathy Durham, St. Petersburg, re support dual referendum/oppose annexation without
representation

DISCUSSION OF FINAL MEETING

Chairman Bomstein stated that the final meeting is scheduled for Monday, June 19 at the Tampa Bay Regional Planning Council offices located in the Gateway Centre; whereupon, he reviewed procedural matters regarding the final meeting and stated that final decisions will require a supermajority vote for approval. He requested that the members contact Mr. Spitzer prior to the meeting regarding any amendments or modifications they wish to submit in order to allow sufficient time for the crafting of appropriate language by the County Attorney.

Responding to query by Mr. Wilson, Mr. Spitzer and Chairman Bomstein provided historical background information regarding the dual vote requirement.

Mr. Wilson indicated that he had been unaware that the final meeting will not include public comment; whereupon, he expressed his concerns regarding the matter. Discussion ensued; and Councilmember Bryan suggested that if any amendments are brought forward that have not yet been discussed, then public comment could be heard on those specific amendments; and that the Chairman would have the authority to limit public input accordingly; whereupon, Chairman Bomstein concurred.

OTHER BUSINESS – NONE

ADJOURNMENT

The public hearing was adjourned at 8:06 P.M.

Tarpon Springs, Florida, May 22, 2006

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Union Academy Family Center, 401 East Martin Luther King, Jr. Drive, Tarpon Springs at 6:01 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Karen Burns
Katie Cole
James F. Coats, Sheriff
Louis Kwall
Roger Wilson

Late Arrival:

Sallie Parks
Susan Latvala, County Commissioner

Absent:

Jim Sebesta, State Senator
John Bryan, City of St. Petersburg Councilmember
Robert C. Decker
George Jirotko

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Kurt Spitzer, KS&A
Other interested individuals
Cathy Fickley, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes
3. Review of the Pinellas County Charter

May 22, 2006

4. Review of the Proposals of the CRC
5. Public Comment
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order, introduced the members and non-members of the CRC, and noted the presence of a quorum.

MINUTES OF THE MEETING OF MAY 8, 2006 – APPROVED

Chairman Bomstein presented the minutes of the meeting of May 8, 2006, and after receiving no response to a request for corrections, declared the minutes approved as submitted.

REVIEW OF PINELLAS COUNTY CHARTER

Mr. Spitzer referred to a PowerPoint presentation titled *Charter Review Process*, a copy of which has been filed and made a part of the record, and provided highlights of the following:

- 1968 Constitutional Revision of Home Rule Powers
- key provisions enjoyed by charter counties
- counties that have adopted charters
- primary policy areas that may be changed by a charter
- Home Rule limitations
- recommendations adopted by the CRC in 2004

In response to query by a member of the audience with regard to consideration of an additional amendment, Mr. Spitzer explained the rules of the CRC pertaining to the procedures governing adoption of recommendations.

* * * *

At this time, 6:12 P.M. Sallie Parks entered the meeting.

* * * *

REVIEW OF CRC PROPOSALS

Continuing with the PowerPoint program, Attorney Churuti described the three major categories within which the proposed amendments fall; and provided an overview of the following proposed amendment:

- Amendment No. 1 – abolishment of the Mosquito Control and Water and Navigation districts in order to be able to amend the laws on a local level.

During further discussion, Mr. Spitzer presented the following proposed amendments:

- Amendment No. 2 - similar to the amendment proposed by the CRC in 2004 addressing the County Administrator's authority to terminate senior staff without confirmation by the Board of County Commissioners (BCC).
- Amendment No. 3 – proposed changes to future Charter Review Commissions.
- Amendment No. 4 – deletion of the dual vote requirement for proposed amendments authorizing the BCC to adopt policy or set standards on a countywide basis.

Attorney Bennett discussed the following proposed amendments to the county's annexation procedures:

- Amendment No. 5 – requires consent that can be revocable; prohibits consideration of property owned by the government when utilizing the non-referendum referendum process; attempts to annex property may not occur within seven years without

the owner's written consent; enhances notification requirements for areas to be annexed.

- Amendment No. 6 – prohibits material incentives to property owners contemplating annexation; incentive exceptions would be to close enclaves and expenditures that provide paramount public purpose.
- Amendment No. 7 – provides controls that improve the consent process for non-referendum referendum annexations where an owner has not given express consent to be annexed.

Thereupon, Attorney Churuti referred to a proposed Special Act that would allow voters to consider measures to repeal and replace the charter at some point in the future.

* * * *

At this time, 6:26 P.M., Commissioner Latvala entered the meeting.

* * * *

PUBLIC COMMENT

In response to Chairman Bomstein's call for persons wishing to be heard, the following individuals appeared and stated their concerns. During discussion, Chairman Bomstein, Attorney Churuti and Mr. Spitzer provided clarification of various issues presented by the speakers.

Attorney John Hubbard, Dunedin, representing the Cities of Gulfport, Oldsmar, St. Pete Beach, and Dunedin – submitted City of Dunedin Resolutions Nos. 06-22, 06-23, and 06-24, copies of which have been filed and made a part of the record
Chris Hrabovsky, Tarpon Springs
Tom Nocera, Clearwater
Norman Roche, Clearwater
Charles L. Attardo, Clearwater
Mayor Jerry Beverland, City of Oldsmar
Scott McGuff, Oldsmar – submitted a copy of his presentation, which has been filed and made a part of the record
Tom Brobeil, Gulfport

May 22, 2006

Attorney Jim Denhardt, St. Petersburg, representing the Town of Redington Shores and the City of Pinellas Park - submitted City of Pinellas Park Resolutions Nos. 06-19, 06-20, and 06-21, copies of which have been filed and made a part of the record

Attorney James L. Yacavone III, Clearwater, representing the City of Tarpon Springs

Mark LeCouris, Tarpon Springs Chief of Police

Ellie Esposito, Clearwater, representing Citizens For Safe Water – submitted presentation, a copy of which has been filed and made a part of the record

Mayor Beverly Billiris, City of Tarpon Springs

William Vinson, Tarpon Springs

Commissioner Peter Dalacos, City of Tarpon Springs

Virginia Brown, Clearwater, representing Citizens For Safe Water – submitted research material, a copy of which has been filed and made a part of the record

T. J. Davis, President, Tarpon Springs Chamber of Commerce

Steve Baughn, Tarpon Springs

Vice-Mayor David Archie, City of Tarpon Springs

JoAn Totty, Palm Harbor

OTHER BUSINESS

Chairman Bomstein announced that the third public hearing will be held on June 8, 2006 at City Hall in St. Petersburg.

ADJOURNMENT

The public hearing was adjourned at 7:43 P.M.

Clearwater, Florida, May 8, 2006

The Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) conducted a public information meeting in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 6:01 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Jim Sebesta, State Senator
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Katie Cole
Robert C. Decker
Sallie Parks
Roger Wilson

Absent:

Ricardo Davis, Vice-Chairman
George Jirotko, Circuit Court Judge
James F. Coats, Sheriff
Louis Kwall

Also Present:

Susan H. Churuti, County Attorney
Kurt Spitzer, KS&A
Other interested individuals
Arlene Smitke, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes
3. Review of the Pinellas County Charter
4. Review of the Proposals of the CRC
5. Public Comment
6. Other Business
7. Adjourn

May 8, 2006

WELCOME

Chairman Bomstein called the meeting to order; whereupon, he welcomed Senator Sebesta back from the legislative session in Tallahassee and Karen Burns, who has also been traveling.

MINUTES OF MEETING OF APRIL 24, 2006 – APPROVED

Upon presentation of the minutes of the meeting of April 24, 2006, Councilmember Bryan moved, seconded by Commissioner Latvala and carried, that the minutes be approved as submitted.

REVIEW OF PINELLAS COUNTY CHARTER

Mr. Spitzer explained that Pinellas County has a limited home rule charter which has been in existence since 1968, when the voters amended the Florida Constitution to authorize home rule for city and county governments; and that charter counties have all powers of self government that are not inconsistent with general law or special law which has been approved by a vote of the electorate. He provided examples of issues that can be addressed by the charter, explained the manner in which it can be amended, and emphasized that charters are not adopted by the Legislative Delegation or the Board of County Commissioners, but by the public.

Referring to the 2004 CRC, Mr. Spitzer indicated that it had made five recommendations which appeared on the November ballot; that three amendments were adopted and one failed; and that pursuant to confirmation by the electorate, the CRC was extended through November of 2006. He related that the Commission is currently proposing seven Charter Amendments and one Special Act, copies of which have been filed and made a part of the record.

REVIEW OF THE PROPOSALS OF THE CRC

Referring to Proposed Amendment No. 1, Attorney Churuti explained that the Mosquito Control Authority and Water and Navigation Control Authority were established by Special Act; that the CRC is proposing that their governance be transferred from state law to charter authority; and that no changes to the powers or duties of the Authorities are recommended.

Mr. Spitzer reviewed the proposed general charter amendments, indicating that No. 2 corrects gender references and codifies current practice regarding employment authority

May 8, 2006

of the County Administrator; and that No. 3 pertains to future CRCs, extending the term, reducing the frequency, permitting employment of independent staff and experts, prohibiting elected officials or government employees from serving on the Commission, and requiring that a minimum of two public hearings be held for any proposed amendments.

Mr. Spitzer related that Proposed Amendment No. 4 would eliminate the dual-vote requirement for amendments to set standards or establish policies on a countywide basis, where the dual vote is not specifically required by the Florida Constitution. He noted that there is a constitutional requirement for a dual vote whenever a proposed amendment would seek to transfer a function or power, such as the transfer of a police department, which cannot be changed by a charter amendment. He stated that the ability to propose amendments that set standards on a countywide basis is not required by the constitution to have a dual vote.

Thereupon, Attorney Churuti reviewed the provisions of Proposed Amendments No. 5, 6, and 7 which pertain to annexation procedures regarding notice, incentives and consent; and related that the CRC is recommending a Special Act amending the Pinellas County home rule charter to provide for local power to repeal the entire charter, subject to referendum.

PUBLIC COMMENT

In response to Chairman Bomstein's call for persons wishing to be heard, the following individuals appeared and stated their concerns. Mr. Spitzer, Attorney Churuti, and Chairman Bomstein provided input for clarification of the issues.

Anne Brooks, Clearwater, and Lynn Gibson, unincorporated Pinellas County, re Pinellas County License Board for Children's Centers and Family Child Care Homes (Ms. Brooks submitted a written statement, which has been filed and made a part of the record.)

Tom Brobeil, City of Gulfport, re Proposed Amendment No. 4

Michael Kouskoutis, Tarpon Springs, re Proposed Amendment No. 4

John Hubbard, Esquire, representing the Cities of Gulfport, Oldsmar, and St. Pete Beach, re Proposed Amendment No. 4

James L. Yacavone, Esquire, representing the City of Tarpon Springs, re Proposed Amendment No. 4

Pam Akin, Esquire, representing the City of Clearwater, re Proposed Amendments Nos. 3, 4, 5, 6 and 7

Martha J. Boos, Madeira Beach, re Proposed Amendments Nos. 2, 3 and 4, and Proposed Special Act

Scott McGuff, Fire Chief, City of Oldsmar, re Proposed Amendment No. 4

Tom Driscoll, Esquire, representing the Cities of St. Pete Beach and Gulfport, re Proposed Amendment No. 4

Bill Jonson, Clearwater, re Proposed Amendments Nos. 4 and 5

May 8, 2006

K. L. Kramer, Pinellas Park, re downsizing county government and Proposed Amendments Nos. 3 and 4

Norman Roche, unincorporated Pinellas County, re Proposed Amendment No. 2
(submitted a written statement, which has been filed and made a part of the record)

OTHER BUSINESS - None

ADJOURNMENT

Chairman Bomstein announced that the next public information meeting will be held on Monday, May 22, at the Union Academy Family Center in Tarpon Springs; and that the final meeting will be held on Thursday, June 8, at the St. Petersburg City Council Chambers; whereupon, there being no objection, the meeting was adjourned at 7:19 P.M.

Clearwater, Florida, April 24, 2006

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 5:01 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
George Jirotko, Circuit Court Judge
Katie Cole
Louis Kwall
Sallie Parks
Roger Wilson

Absent:

Jim Sebesta, State Senator
James F. Coats, Sheriff
Karen Burns
Robert C. Decker

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
David P. Healey, Executive Director, Pinellas Planning Council
Kurt Spitzer, KS&A
Other interested individuals
MaryAnn Penhale, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes
3. Discussion of Proposed Recommendations
4. Discussion of Combining Amendments

April 24, 2006

5. Public Hearing Schedule
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order; whereupon, he welcomed Sallie Parks as a member of the CRC appointed by the Board of County Commissioners (BCC).

MINUTES OF MEETING OF JANUARY 30, 2006 – APPROVED AS AMENDED

Upon presentation of the minutes of the meeting of January 30, 2006, Councilmember Bryan moved approval; whereupon, Mr. Spitzer related that Mr. Israel had requested his place of residence be indicated as the unincorporated area.

Thereupon, Councilmember Bryan restated his motion to approve the minutes as amended; seconded by Mr. Davis and carried.

DISCUSSION OF PROPOSED RECOMMENDATIONS

Chairman Bomstein briefly outlined procedures for tonight's meeting and indicated that Mr. Spitzer and Attorneys Churuti and Bennett will review subjects previously addressed by the CRC which they had approved to preliminarily move forward; whereupon, he noted that public input tonight will be limited strictly to technical aspects of the proposed charter changes related to language construction, nomenclature, or other similar issues; and that the next three public hearings will provide opportunities for citizen input regarding the merits of the issues.

Attorney Churuti referred to Tab 1 encompassing proposed Charter Amendments Nos. 1 and 2, which would provide for the development and operation of countywide mosquito and water and navigation control programs respectively, and indicated that these are basically technical amendments; whereupon, Chairman Bomstein related that he had not intended re-voting on the proposed amendments unless the members wish to do so; and responding to query by Mr. Kwall, indicated that it would be possible to combine these two items inasmuch as they represent housekeeping measures.

April 24, 2006

Mr. Spitzer referred to Tab 2, which includes three proposed general charter amendments, and stated that proposed Charter Amendment No. 3 relates to the county administrator's employment powers; that it corrects some gender references in the Charter; and that it provides authorization for the county administrator to terminate the employment of senior staff without confirmation by the BCC and to terminate classified personnel subject to the policies contained in the county civil service plan. Responding to query by Mr. Kwall, Mr. Spitzer indicated that the language of the proposed amendment is intended to clarify existing practices; whereupon, he discussed the previously defeated amendment which had appeared on the November 2004 ballot. Discussion ensued regarding the language of the proposed amendment; and following additional input by Attorney Churuti, Chairman Bomstein suggested that the amendment remain as is.

Mr. Spitzer summarized proposed Charter Amendment No. 4 which would switch the cycle of future commissions to meet every eight years; and noted that the commission's recommendations could then appear on the presidential election ballot; that elected officials and government employees would not be eligible to serve on the CRC; that the CRC would be able to employ staff and retain its own experts; that a minimum of two public hearings would be required if any amendments to the charter were recommended; and that the CRC would be able to remain in existence until the general election for the purpose of conducting a public education or information campaign. Chairman Bomstein referred to wording on the next to the last page of proposed Charter Amendment No. 4 stating that the CRC shall conduct at least two public hearing at intervals of not less than ten days but not more than 20 days, and requested that 20 days be changed to 21. Responding to queries by the members, Mr. Spitzer indicated that the proposed amendment would give the CRC a time frame of approximately 1.5 years versus the current six months; that the 1.5 years is more in conformity with other CRCs; and that the proposed eight-year cycle is intended to coincide with presidential elections and would ensure a larger voter turnout. Responding to query by Mr. Wilson, Chairman Bomstein indicated that attendance requirements represent procedural matters, which would be more appropriately addressed at the time when a future CRC is convened.

Mr. Spitzer discussed proposed Charter Amendment No. 5 regarding the repeal of the requirement for the dual vote and indicated that if approved, the charter would be consistent with other county charters within the State of Florida; whereupon, Mr. Kwall suggested that the wording of the ballot question needs clarification.

In response to Chairman Bomstein's call for individuals wishing to speak regarding proposed Charter Amendment No. 5, City of Clearwater Mayor Frank Hibbard and John Hubbard, Esquire, representing the City of Gulfport, expressed their concerns and responded to queries by the members. Following their comments and discussion by the

April 24, 2006

members, Attorney Churuti indicated that staff will revisit the issue of the wording of the ballot question and will attempt to submit revised language prior to the first public hearing; whereupon, Mr. Kwall invited the attorneys for the Cities of Clearwater and St. Petersburg to forward any suggested additions or changes to Attorney Churuti for consideration.

Attorney Bennett referred to Tab 3 and stated that five proposals previously approved by the CRC had been combined into the three proposed amendments contained therein; that proposed Charter Amendment No. 6 relates to miscellaneous controls regarding annexation including the need for gathering consents; that the proposed Section 2.07 1b attempts to capture a compressed time period during which consents can be obtained; and that the amendment encompasses a 30-day proposal for consents to be secured no earlier than 150 days and no later than 120 days prior to a referendum, which would allow the Supervisor of Elections an adequate amount of time to prepare the necessary election materials. Chairman Bomstein stated that Mr. Healey had expressed concerns that a 30-day window is not adequate for annexation initiatives to obtain all the affirmations needed; whereupon, he sought input from the members regarding the matter; and Attorney Bennett stated that the 30-day time frame could be modified. At the request of Chairman Bomstein, Mr. Healey expressed his concerns regarding the requirement for notice 60 days in advance of the first public hearing; and indicated that 30 days is not sufficient to assemble consents, test the validity of the consents, and determine if the annexation is a valid one to submit; whereupon, he stated that his suggestion would be to go to 180 days as the furthest date when petitions could be gathered with notice of the first public hearing being not less than 30 days.

Following discussion with additional input provided by Mr. Healey and Attorney Bennett; Councilmember Bryan moved that the wording in proposed amendment No. 6 1b be changed from 60 days to 180 days and from 30 days to 60 days; whereupon, Chairman Bomstein noted that the proposed 60 days would be prior to the first public hearing instead of the final adoption of the required ordinance; and Councilmember Bryan indicated that the aforementioned statement is included in his motion; seconded by Ms. Parks. Chairman Bomstein indicated that the motion would extend the window out six months from the first public hearing and allow a four-month period for gathering of consents and a 60-day cooling off period to the first public hearing. Following further discussion and upon call for the vote, the motion carried unanimously.

Responding to query by Ms. Cole, Attorneys Bennett and Churuti discussed the exclusion of publicly owned lands from being considered in annexations and the proposed amendment regarding the consent which may be revocable up until the closing of the public hearing at the final adoption hearing; whereupon, discussion ensued regarding the matter; and Chairman Bomstein inquired as to whether the members would prefer to

April 24, 2006

change the language from “may be” revocable to “is” revocable; and Commissioner Latvala stated that she is in favor of the aforementioned language change.

Attorney Bennett referred to item No. 2 under proposed Charter Amendment No. 6, which addresses the seven-year limitation for subjecting any property to an annexation referendum from the last date that such property was last subject to a referendum annexation, and stated that item No. 3 with regard to notification would ensure that individuals potentially involved in an annexation would be notified 60 days prior to the first public hearing; whereupon, he discussed the gathering of consents under Subsections (5) and (6) of Section 171.0413 of the Florida Statutes. Responding to query by Chairman Bomstein, Mark Ely, Planning Department, supplied input regarding time frames related to notification procedures for voting referendums. Following additional discussion, Attorney Churuti indicated that the item would be rewritten; and Chairman Bomstein requested that the rewritten item be distributed in advance of the next meeting.

Discussion ensued related to the language of the ballot titles for proposed Charter Amendments Nos. 6, 7, and 8; and Chairman Bomstein suggested that the wording in the ballot title for proposed Charter Amendment No. 6 be changed from “enhance” annexation procedures to “strengthen” annexation procedures; and that the wording of the ballot question be amended to include a reference to placing a seven-year moratorium on repetitive annexation attempts; whereupon, Attorney Churuti stated that staff will address the matter.

Attorney Bennett discussed proposed Charter Amendment No. 7 regarding annexation incentives and stated that the language of the proposed amendment had been sent to the Cities of St. Petersburg and Clearwater; whereupon, Chairman Bomstein requested that the language of the ballot title be changed to “modify annexation procedures limiting incentive expenditures”; and suggested that the wording of the ballot question incorporate language regarding the expenditure of public funds that do not provide a paramount public purpose.

Attorney Bennett summarized proposed Amendment No. 8 regarding annexation consent controls and noted that the language attempts to place some restraints on the ability of cities to leverage consents in the case of individuals being annexed without their consent under Section 171.0413(6) where no referendum would take place; that the language requires 50 percent of the perimeter of the property would have to be adjacent to already incorporated parcels or properties owned by individuals who have consented to the annexation; and that the percentage of consenting property owners has been raised to 66 percent; whereupon, Chairman Bomstein stated that he would like language incorporated into the amendment which excludes publicly owned property from the 50 percent perimeter and the 66 percent of consenting property owners. Discussion ensued; and

April 24, 2006

Attorney Bennett indicated that the 50 percent perimeter would include publicly owned lands; and that wording could be added to the 66 percent requirement to specify not counting state, county, or special district properties. Responding to query by Councilmember Bryan, Chairman Bomstein indicated that properties such as the Pinellas Suncoast Transit Authority (PSTA) could still voluntarily annex; however, public properties would not be included in meeting the test for involuntary annexation. Discussion continued; and Mr. Healey provided additional input regarding the non-referendum referendums, which have taken place over the past six years and the standards being set forth in the proposed amendment; and Chairman Bomstein requested that the 66 percent be amended to 67 percent in order to ensure a full two-thirds requirement.

* * * *

At the direction of Chairman Bomstein, there being no objection, the meeting was recessed at 6:36 P.M. and reconvened at 6:57 P.M.

* * * *

Mr. Spitzer referred to Tab 4 regarding fire policy and stated that there are several ways to pursue the proposed options for consideration; that the first option is related to the authority of the BCC to set standards for fire protection; that the proposed amendment would revise the charter to include countywide fire protection; and that the study by MGT of America, Inc. had recommended a single countywide independent fire district. He reviewed the various methods of putting the proposed policy change into effect, including placing an amendment on the November 2006 ballot which would require a dual vote, submitting a recommendation to the BCC to place the amendment on the November 2008 ballot, or making a recommendation to the legislative delegation that they consider passing a special act in the 2007 session; whereupon, Chairman Bomstein pointed out that the various options are enumerated in the matrix at the beginning of Tab 4. Discussion ensued regarding the issues of taxing inequities and the possibility of saving money through consolidation as recommended in the MGT of America, Inc. study, and Mr. Kwall indicated that he had received input from numerous individuals who are not in favor of the proposed changes.

Following additional deliberations, Mr. Kwall moved, seconded by Judge Jirotko, that the proposed charter amendment be removed from consideration. At the request of Mr. Wilson, Mr. Spitzer discussed the first issue related to the fire standards question which authorizes the BCC to set policy; and following further discussion, Chairman Bomstein obtained clarification from Mr. Kwall that his motion relates to the recommended Special Act No. 2 providing for the dissolution of the independent fire special districts. Mr.

April 24, 2006

Spitzer explained that this recommended special act would encompass a recommendation to the legislative delegation for consideration in the 2007 session; that it would abolish the East Lake, Lealman, Palm Harbor and Pinellas Suncoast fire districts; and that the programs, assets, and personnel of the special districts would be transferred to the Municipal Services Taxing Unit (MSTU) under the control of the BCC. Discussion ensued; and John Little, Pinellas County Council of Firefighters, provided input regarding Pinellas Suncoast Fire & Rescue. Upon call for the vote, the motion carried 5 to 4, with Messrs. Bomstein, Davis, and Wilson and Ms. Cole casting the dissenting votes.

At the direction of Chairman Bomstein, Mr. Spitzer continued his review of amending the charter to provide for countywide fire protection planning, coordination, and regulatory authority; whereupon, Councilmember Bryan stated that this item should also be removed from consideration.

Responding to the Chairman's call for individuals wishing to speak, Maggie Mooney, Bradenton, representing the East Lake Fire & Rescue District and the Palm Harbor Fire District, expressed her concerns.

Following discussion, Councilmember Bryan moved to eliminate all three items from consideration; whereupon, Chairman Bomstein suggested that the motion be restated to not proceed any further with a countywide fire protection plan; and the maker of the motion concurred; seconded by Commissioner Latvala. Following additional discussion and upon call for the vote, the motion carried 5 to 4, with Messrs. Bomstein, Davis, and Wilson and Ms. Cole casting the dissenting votes.

Attorney Churuti referred to Tab 5 and discussed recommended Special Act No. 3 for the 2007 session regarding the authority for the repeal of the charter and queried as to whether the members wish to go forward with the item; whereupon, Commissioner Latvala stated that she is in favor of doing so; Chairman Bomstein expressed concerns regarding the public's understanding of the proposal; Councilmember Bryan indicated that he believes the cities have no problem with proceeding with the ballot question; and Ms. Parks suggested retaining the item for possible citizen input at the public hearings. Discussion ensued; and in reply to query by Mr. Wilson, Attorney Churuti explained procedures related to repeal of the charter and adoption of a new one; and Judge Jirotko suggested leaving the item on.

April 24, 2006

DISCUSSION OF COMBINING AMENDMENTS

Chairman Bomstein discussed the possibility of combining the two housekeeping items under Tab 1, the Mosquito Control and Water and Navigation Programs into one amendment; whereupon, Commissioner Latvala stated that she supports combining the two items.

* * * *

At this time, 7:44 P.M., Judge Jirotko left the meeting.

* * * *

Deviating from the agenda, Chairman Bomstein recognized Norman Roche, Clearwater, who stated that he wishes to address a technical correction regarding proposed Charter Amendment No. 3 related to the County Administrator's employment powers; whereupon, he referred to the county civil service plan referenced in the amendment, and inquired as to whether the title of the document should be capitalized. Attorney Churuti stated that the reference to the county's civil service plan represents language taken from the special act of the legislature and is not capitalized in the special act; and in reply to query by Mr. Roche, indicated that a copy of the plan can be obtained from the Director of Personnel or the Chairman of the Unified Personnel Board.

* * * *

Referring to proposed Charter Amendments Nos. 1 and 2, Attorney Churuti indicated that there would be no problem in combining the two; whereupon, she stated that the more complicated amendments pose issues related to word limitation requirements for the ballot titles and questions; and that possible legal challenges could arise if citizens' due process rights are violated by not fully describing what is in the legislation being combined. Chairman Bomstein noted consensus that the three amendments under Tab 2 would remain separate; and referring to Tab 3, stated that the proposed Charter Amendment No. 6 regarding miscellaneous controls related to annexation will be rewritten and should stand alone; and that it might be possible to combine proposed Charter Amendments Nos. 7 and 8; whereupon, Attorney Churuti stated that she would attempt to combine the two but expressed concerns related to meeting due process requirements. Discussion ensued regarding the pros and cons of combining the amendments and the matter of possibly having fewer items on the ballot; whereupon, Chairman Bomstein referred to Attorney Churuti's concerns regarding combining the annexation amendments; Commissioner Latvala stated that she would rather leave the

April 24, 2006

amendments separate; and Mr. Kwall indicated that he relies on Attorney Churuti's judgment in the matter.

PUBLIC HEARING SCHEDULE

Chairman Bomstein announced that the next three meetings will be held on May 8 and 22 and June 8; that the May 8 meeting will be held at tonight's location and will represent a central county location; and that north and south county locations will be needed for the following two meetings; whereupon, he sought input from the members regarding meeting locations. Following discussion regarding various location possibilities, Chairman Bomstein indicated that he would provide the members information regarding the meeting locations in the near future; whereupon, he requested member feedback regarding an appropriate starting time for the meetings. Responding to query by Mr. Wilson, he stated that he does not intend to have public comment at the final meeting tentatively scheduled for June 19, other than input of a technical nature such as that received at tonight's meeting.

Attorney Churuti suggested the following language regarding the dual vote requirement: "Shall Section 6.04 of the Charter be amended to provide that any elections about city, county, or special district powers need only follow requirements of the Florida Constitution?" Following discussion, she indicated that staff would continue to work on the matter of wording changes.

Chairman Bomstein noted consensus to have the public hearings start at 6:00 P.M.; and reiterated that he will inform the members of definitive locations in the near future.

OTHER BUSINESS

Mr. Wilson offered an observation regarding the commission's vote not to proceed with the proposed amendments related to fire policy.

At the request of Chairman Bomstein, Mr. Spitzer presented a brief update regarding an initiative in Tallahassee to impose a dual vote requirement statewide.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 8:09 P.M.

Clearwater, Florida, January 30, 2006

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Clearwater Public Library, Meeting Rooms A and B, 100 North Osceola Avenue, Clearwater at 3:40 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Robert C. Decker
Louis Kwall
Roger Wilson

Late Arrival:

Katie Cole
George Jirotko

Absent:

James F. Coats, Sheriff
Karen Burns

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Kurt Spitzer, KS&A
Other interested individuals
Cathy Fickley, Deputy Clerk

January 30, 2006

AGENDA

1. Welcome
2. Approval of Minutes
3. Fire Services
 - ✓ Discussion of Options
 1. Single Countywide District
 2. Authorization for Regional Policy
 3. Abolishment of Independent Districts
 - ✓ Consideration of Options
4. New Issues
 - ✓ Discussion of Options
 1. Requirement for the "dual vote"
 2. Policy on Future CRCs
 3. Growth/Planning Information (Wilson)
 4. Council of Governments/Strategic Planning (Harrell)
 5. Authorization for Repeal of the Charter
 - ✓ Consideration of Options
5. Annexation
 - ✓ Review of January 9th Actions and Revised Amendments
6. Future Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order; and related that Sheriff Coats and Karen Burns would not be in attendance; whereupon, he commented upon the passing of commission member Roy Harrell; and requested that a moment of silence be observed.

Thereupon, Chairman Bomstein referred to the ordinance that mandates the replacement of members; whereupon, Commissioner Latvala related that she had appointed Mr. Harrell; and that the Board of County Commissioners (BCC) is required to approve her new appointee within 30 days.

In response to query by Senator Sebesta, Attorney Churuti related that Mr. Jirotko has reviewed Judicial Code of Ethics opinions; and indicated that he will be able to continue his service on the commission.

MINUTES OF MEETING OF JANUARY 9, 2006 – APPROVED AS CORRECTED

Chairman Bomstein presented the minutes of the meeting of January 9, 2006 and noted a scrivener's error in the middle paragraph of page ten. He indicated that the corrected minutes should read, "Responding to Chairman Bomstein's call, Councilmember Bill Jonson..."; whereupon, after receiving no response to a request for additional modifications, he declared the minutes approved as corrected.

FIRE SERVICES

Discussion of Options/Consideration of Options

Mr. Spitzer referred to the following fire service options for consideration by the members:

- Single countywide district – recommended by MGT; provides for a single point of management, command and policy development for fire service countywide.
- Countywide fire standards – authorizes the BCC to set fire standards and policy either countywide or within service regions.
- Unincorporated area dependent district(s) – the four independent districts would be abolished; assets and functions would be transferred to the county.

Mr. Spitzer provided an overview of the required legislative action and various mechanisms by which each option could be approved; and referring to an opinion by attorney C. Allen Watts with the law firm of Cobb & Cole, a copy of which has been filed and made a part of the record, he indicated that it is Mr. Watts' opinion that if the consolidation of county, special district and municipal fire services is approved by special act and confirmed by the voters, compensation for the transfer of assets would not be required. During discussion and in response to queries by Councilmember Bryan and Mr. Wilson, Mr. Spitzer and Attorney Churuti provided input with regard to the statutory provisions governing special districts; whereupon, Chairman Bomstein commented that a single independent fire district in the unincorporated area would be run by the county; that smaller cities could contract with the county for fire service; and that representatives of certain independent fire districts have expressed concern with regard to the potential

January 30, 2006

cost increase for fire service should the consolidation be approved; wherein discussion ensued.

* * * *

At this time, 4:06 P.M., Katie Cole entered the meeting.

* * * *

Referring to Item No. 2 on the agenda, authorization for a regional policy, Mr. Spitzer indicated that the members had directed that Chuck Kearns, Director of EMS and Fire Administration, provide detailed examples of how the plan would work; whereupon, Mr. Kearns presented an overhead program consisting of various maps that featured a suggested five service area approach, and current and proposed ladder truck deployment locations, copies of which have been filed and made a part of the record, wherein the following highlights were discussed:

- cost savings would occur through attrition; the five service area approach would have one chief and the remaining chief positions would be given new titles such as chief assistant or deputy chief
- the number of fire stations would be grouped where geographically relevant and pertinent, and the services provided would be taken into consideration
- ability to set standards would result in a cost savings of approximately \$6 million over a six-year period
- savings would be realized partly by going from 17 to 14 ladder trucks as per Insurance Services Office (ISO) coverage ratings
- most appropriate resources could be dispatched through priority dispatch and interrogation of 911 callers

During discussion, Councilmember Bryan referred to the suggested ladder deployment map and noted that ladder trucks would be decreased in the City of St. Petersburg, thereby lowering fire service standards; and that the city has more tall buildings thus requiring ladder trucks; whereupon, Mr. Kearns responded that the current system is

January 30, 2006

extraordinarily effective; and that the reason for the study as requested by the Chairman is to ascertain system efficiency through standardization.

* * * *

At this time, 4:20 P.M. George Jirotko entered the meeting.

* * * *

During continuing discussion and in response to queries by the members, Mr. Kearns related that consolidation of the 911 center, the radio system, and the ambulance service leads staff to believe that the fire service standardization process would be of benefit; that a new fire ladder truck costs approximately \$906,000.00; and that the most common complaints received by the public are why does a fire truck respond when an ambulance is called, and why do so many public safety vehicles respond to accident scenes. Responding to further queries, Mr. Kearns suggested that governance could be instituted through joint power authorities or agreements between government agencies; and that each district could theoretically increase its standards; whereupon, Mr. Spitzer pointed out that Item no 2 does not specify five districts; but that it provides service delivery areas designed to provide the most cost efficient and effective fire protection system within the area based upon standards of coverage established by the BCC after review and recommendation from area fire protection service providers.

At the request of Chairman Bomstein, Mr. Kearns provided an overview of the National Fire Protection Association 1710 standard ratings; whereupon, lengthy discussion ensued pertaining to the reasons for the proposed fire service change. At Mr. Spratt's request, Mr. Kearns distributed a document titled *Impact of Enacting Countywide Fire Standards Authority Presented to the CRC on November 7, 2005 for January 9, 2006, CRC Meeting* that provides a description of the standards issues that may be part of the new authority, a copy of which has been filed and made a part of the record; whereupon, Mr. Spratt noted that currently there is no act that prescribes authority.

During lengthy discussion, Mr. Kearns suggested that a fire advisory board be established consisting of citizens and industry experts; whereupon, Mr. Spitzer noted that while the draft does provide for recommendations from fire service providers, it could be amended to include a broader panel that would offer advice to the BCC.

In response to Chairman Bomstein's call for persons wishing to speak, the following individuals offered their comments and concerns:

John Little, President, Pinellas County Council of Fire Fighters
Chief James Angle, President, Pinellas County Fire Chiefs Association – distributed letter dated January 30, 2006

January 30, 2006

Kenneth Cramer, Executive Director, Pinellas County Fire Chiefs Association
Marshall Cook, Pinellas Park
Bill Israel, Gulfport
Eric Seidel, Oldsmar
Assistant Fire Chief James Large, City of St. Petersburg
Chief Jeff Bullock, Largo Fire Department

In response to Ms. Cole's comments regarding the American Assembly recommendations that Chief Angle referred to in his letter, a copy of which has been filed and made a part of the record, Commissioner Latvala stated that the BCC would have to become the countywide fire authority in order to carry out the recommendations; whereupon, Chairman Bomstein provided a synopsis of the options for consideration by the members. During further discussion, Senator Sebesta recommended that the members consider placing rule-making authority in the bill for implementation purposes.

Councilmember Bryan moved, seconded by Mr. Wilson, that Item No. 3, consolidation of the unincorporated area into one fire district be approved. During discussion pertaining to the language and intent of the proposed bill, Attorney Churuti pointed out that the option is not a charter issue; but that it would require the members to ask the legislature to adopt a special act. Upon call for the vote, the motion carried 7 to 3, with Commissioner Latvala, Mr. Jirotko and Mr. Kwall casting the dissenting votes.

Commissioner Latvala moved, seconded by Mr. Wilson, that Item No. 2, authorization for a regional policy, be approved. Following discussion pertaining to the American Assembly recommendations, the establishment of a standards council, and the setting of standards by individual municipalities, Senator Sebesta called the question; whereupon, the motion carried 9 to 1, with Councilmember Bryan casting the dissenting vote.

Chairman Bomstein requested discussion regarding Item No. 1, the single countywide fire district; whereupon, hearing none, he closed the fire service discussion.

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At the direction of Chairman Bomstein, there being no objection, the meeting was recessed at 6:00 P.M. and reconvened at 6:23 P.M.; whereupon, the Chairman noted that Mr. Davis had left the meeting.

* * * *

Alluding to discussion with Mr. Spitzer during the break, Chairman Bomstein related that the next meeting would be held on April 24, 2006 at 5:00 P.M.; and that three public hearing meetings would be scheduled before a final vote is taken.

NEW ISSUES

Discussion of Options/Consideration of Options

1. Requirement for the “dual vote”

Mr. Spitzer related that the charter requires a dual vote for adoption of charter amendments that establish countywide policy or standards; that both votes occur at the same election but are counted in two different ways; that a positive vote must be obtained countywide and by the electors within the city government, and that Pinellas County has the only charter in the State of Florida that requires a dual vote. Attorney Churuti commented that the state constitutional dual vote provision would remain; and in response to queries by the members, provided an overview of how a dual vote would impact moving forward with the countywide fire standards issue; indicated that she is not aware of any failed issues since it was implemented; and related that the dual vote requirement was passed as a last-minute amendment by the legislative delegation.

Following discussion, Commissioner Latvala moved, seconded by Senator Sebesta, that the requirement for the dual vote be removed from the Pinellas County Charter. Upon call for the vote, the motion carried 8 to 1, with Councilmember Bryan casting the dissenting vote.

2. Policy on Future CRCs

Mr. Spitzer indicated that the amendment extending the current CRC did not make adjustments to the schedule for subsequent CRCs; and that the next commission is scheduled to meet in 2010. He related that the proposed amendment requires the BCC to appoint commission members at least 12 months prior to the completion of its work; that beginning in 2012, the CRC will meet every eight years, consistent with presidential elections; that the membership will remain the same; and that staff of local government or a county constitutional officer may not serve on the CRC; whereupon, Commissioner Latvala moved, seconded by Mr. Wilson, that the proposed language be amended to indicate that elected officials be prohibited from serving on the commission.

During discussion, Mr. Kwall suggested that the county attorney be relieved of any responsibility to the commission; and that independent council be appointed; whereupon, at the Chairman’s request, Mr. Spitzer continued with the proposed amendment language, and related that the next CRC meeting would be held in 2012; that the commission would remain in existence until the day of the election; that three public hearings would be required; and that the commission may employ staff and retain consultants.

Thereupon, discussion continued pertaining to the motion to prohibit elected officials from serving on the commission; whereupon, in response to query by Senator Sebesta regarding the rationale behind her motion, Commissioner Latvala stated that elected

January 30, 2006

officials have the poorest attendance; that the friction and disruptions between the city and the county have precluded an honest and open debate of the county charter; and that future commissions may be successful if comprised solely of citizens. Chairman Bomstein concurred; and added that the process encourages all parties to be heard in an effort to gather input in the decision-making process; whereupon, Mr. Wilson called the question, and upon call for the vote, the motion carried 8 to 1, with Mr. Decker casting the dissenting vote.

Discussion continued with regard to staffing; whereupon, Mr. Kwall reiterated his opinion that the commission should have its own council; that the county attorney should represent the county; and in response to query by the Chairman, indicated that the matter should be mandated and not left as an option for the next commission. Deliberations ensued wherein Commissioner Latvala pointed out that the County Attorney's Office is most familiar with charter issues; that the BCC is responsible for commission expenses; and that the independent council expense would be huge, and Mr. Decker concurred. Messrs. Bryan, Wilson and Kwall commented that an independent attorney should advise independent commission members; that eliminating elected officials and retaining the county attorney is setting the stage for potential abuse; and that the County Attorney's Office writes the legislation for the commission, but changes the intent of what was voted upon. Senator Sebesta opined that as the new commission would be unfamiliar with the process, it would be very appropriate for the county attorney to continue to serve; and Mr. Jirotko suggested that future commissions be given the option to hire its own council; whereupon, during further discussion and at the Chairman's request, Mr. Spitzer clarified the proposed amended language; and indicated that although the county attorney is not prohibited from providing legal advice, the decision-making authority is shifted from the BCC to the CRC.

Following lengthy discussion, Mr. Jirotko moved, seconded by Mr. Wilson, that the BCC shall provide space and staff assistance; and that supplemental staff, including consultants and experts, may be retained by the commission; whereupon, upon call for the vote, the motion carried unanimously.

Chairman Bomstein requested and received consensus by the members regarding the public education issue which states that future CRCs would remain in existence through the general election for the purpose of supervising educational efforts.

Discussion continued and, in regards to a requirement that a future commission hold three public hearings in the event of proposed amendments, Mr. Wilson moved, seconded by Ms. Cole and carried, that two public hearings be required; whereupon, Councilmember Bryan suggested that the language indicate *at least* two public hearings. Chairman Bomstein then requested and received consensus by the members that the language be approved as amended.

3. Growth/Planning Information (Wilson)

Mr. Spitzer related that the issue mandates monitoring and analysis of population growth in the county followed by the submission of a report to county and city governments; whereupon, Mr. Wilson provided an overview of the proposed program; and indicated that reports would be submitted on a monthly or bimonthly basis.

* * * *

At this time, 7:09 P.M., Mr. Jirotko left the meeting.

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Following discussion, Commissioner Latvala moved, seconded by Mr. Wilson, that the issue be adopted as a non-binding recommendation to the BCC, with strong encouragement by the CRC to move forward with the recommendation.

Discussion ensued regarding the frequency of the reports; whereupon, the Chairman noted that the matter would be decided by the BCC should it adopt the recommendation. Upon call for the vote, the motion carried unanimously.

4. Council of Governments/Strategic Planning (Harrell)

Mr. Spitzer provided an overview of the draft amendment; whereupon, Commissioner Latvala noted that the description of the council's purpose resembles the functions of the Pinellas Planning Council; and related that the operating cost would be relatively high.

It was the consensus of the members that no vote be taken.

5. Authorization for Repeal of the Charter

Chairman Bomstein related that should a future commission attempt to adopt a new charter, a mechanism would be required to repeal the current charter; whereupon, he expressed concern with regard to how the voters would perceive the wording of the proposed amendment. Discussion ensued pertaining to an Attorney General's opinion previously provided to a charter commission; and in response to queries by Councilmember Bryan, Attorney Churuti provided an overview of the special act process; and indicated that staff recommends that the commission approve the proposed amendment.

Following further discussion, Mr. Wilson moved, seconded by Mr. Decker, that the proposed amendment be approved. Discussion continued pertaining to the ballot question language; whereupon, Mr. Kwall and Senator Sebesta suggested that the news media be contacted as soon as possible in an effort to explain the proposed amendment.

January 30, 2006

Thereupon, upon call for the vote, the motion carried unanimously.

Responding to query by Councilmember Bryan regarding the county administrator's ability to terminate exempt employees, Attorney Churuti related that the issue had been voted on; and that a final vote would be required.

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At this time, 7:41 P.M., Mr. Decker left the meeting.

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ANNEXATION

Review of January 9th Actions and Revised Amendments

Deviating from the agenda, Mr. Spitzer discussed Senate Bill 1608, an initiative that would pre-empt many home rule charter county powers; and indicated that a draft resolution has been prepared and distributed to the members for their consideration, copies of which have been filed and made a part of the record; whereupon, Mr. Wilson moved, seconded by Senator Sebesta, that the resolution be adopted. Following discussion and upon call for the vote, the motion carried 6 to 1, with Councilmember Bryan casting the dissenting vote.

Mr. Spitzer referred to the action taken at the January 9 CRC meeting regarding annexation issues; and indicated that the amendments had been codified into one bill; and Attorney Churuti explained how the amendments were divided. Attorney Bennett referred to page two, Item No. 2 b., of the proposed bill, and indicated that it is a substitute proposal; whereupon, he explained that a freeholder election requires electors; and that the draft amendment proposes a compressed collection time of 30 days in which to gather the appropriate number of written consents. Discussion ensued regarding the 30-day window; and in response to query by Ms. Cole, Attorney Bennett related that Item No. 1 pertains to non-referendum referendums, Item No. 2 to both referendum and non-referendum referendums, Item No. 3 to referendums, and Items nos. 4 and 5 to both referendum and non-referendum referendums; whereupon, Chairman Bomstein pointed out that the proposals were adopted at the January 9 meeting; and Councilmember Bryan interjected that these proposals are significantly different than those adopted; and requested that a City of St. Petersburg attorney be allowed to explain the differences, and Chairman Bomstein concurred.

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At this time, 7:46 P.M., Mr. Decker returned to the meeting.

January 30, 2006

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Thereupon, Attorney Bennett referred to Item No. 5 and discussed an additional change regarding the enclave provision; whereupon, City of St. Petersburg Chief Assistant Attorney Mark A. Winn expressed his concerns with regard to the discrepancies referred to by Councilmember Bryan. In response to query by Mr. Decker, he indicated that he has spoken with Attorney Bennett who has invited him to offer suggestions for the final ballot language.

Discussion continued with regard to the method of mailing and the resulting expense incurred; whereupon, Attorney Bennett related that Pinellas Planning Council Executive Director David P. Healey has indicated that a large number of properties could be affected in referendum and non-referendum referendums, significantly increasing the mailing cost.

Discussion continued wherein Councilmember Bryan asserted that the actions taken by the commission in approving the amendments clearly intend to discourage annexation; that the state has adopted annexation laws that the commission is attempting to change; and pointed out that over 900 annexations have been successful; whereupon, Chairman Bomstein commented that citizens who are being annexed involuntarily should be protected; and Mr. Wilson noted that the current state law is tilted in favor of the cities; and that the bill is being proposed out of respect for citizens who may not want to be annexed. Following discussion regarding the annexation process, and in response to the Chairman's call for individuals wishing to speak, City of Clearwater Vice-Mayor Bill Jonson, and Hoyt Hamilton, Clearwater, expressed their opinions and concerns.

Following the speakers' presentations, Chairman Bomstein requested that the attorney for the City of Clearwater submit alternative language for review by staff; and added that the intent of the commission is to address the forced, involuntary annexation of properties that are not protected.

Chairman Bomstein related that the county attorney has recommended that three separate bills be considered; that items Nos. 1 and 5 would be stand-alone bills; and that items Nos. 2, 3 and 4 would be combined into one bill; whereupon, discussion continued regarding the process for moving the bills forward for approval.

Thereupon, Mr. Kwall moved, seconded by Commissioner Latvala, that the annexation amendments be composed in three separate bills. Upon call for the vote, the motion carried 7 to 1, with Councilmember Bryan casting the dissenting vote.

MISCELLANEOUS

Deviating from the agenda, Commissioner Latvala referred to the unrest in the community regarding redevelopment efforts; and suggested that a charter initiative be explored that codifies that park and preservation lands cannot be sold without passage of a referendum; whereupon, Attorney Churuti commented that in response to Commissioner Latvala's request, staff has been conducting an inventory of all county-owned property; and that any issues that may be associated with park and preservation lands will be identified.

During discussion, Mr. Wilson pointed out that he had previously provided Attorney Churuti with public parks language that may be appropriate; and Attorney Churuti acknowledged that she has the original language that addresses maintenance of park and preservation lands; and indicated that staff will work with the language in that regard.

Chairman Bomstein requested and received consensus by the members to have staff move forward with language that will be addressed at the April meeting; whereupon, Attorney Churuti stated that she would email the language to the members for their review; and that any comments may be directed to Mr. Spitzer.

FUTURE BUSINESS

Referring to the meeting scheduled for April 24, Mr. Kwall suggested that an earlier starting time be considered; whereupon, Chairman Bomstein indicated that upon review of the agenda and meeting material, a time certain will be determined. Attorney Churuti suggested that no public comment be taken in that public input would be obtained at the upcoming public hearings, and no objections were noted.

With regard to the issue of the county administrator having the ability to terminate exempt employees, Councilmember Bryan indicated that he may have been absent from the meeting when the matter was addressed; whereupon, he requested that Attorney Churuti provide him with the language that was voted upon.

In response to the Chairman's query regarding other business, Mr. Spitzer indicated that Chief Assistant County Administrator D. Gay Lancaster has advised him that several factually incorrect statements have been made with regard to the water system in the Lealman area; and that he will provide the members with an email correcting the record.

January 30, 2006

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 8:33 P.M.

Pinellas Park, Florida, January 9, 2006

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 3:35 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
John Bryan, City of St. Petersburg, Councilmember
Karen Burns
James F. Coats, Sheriff
Robert C. Decker
Susan Latvala, County Commissioner
Roger Wilson (attended telephonically)

Late Arrival:

Katie Cole
Roy Harrell

Absent:

George Jirotko
Louis Kwall
Jim Sebesta, State Senator

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Kurt Spitzer, KS&A
David P. Healey, Executive Director, Pinellas Planning Council (PPC)
Other interested individuals
MaryAnn Penhale, Deputy Clerk

January 9, 2006

AGENDA

1. Welcome
2. Approval of Minutes
3. Review of CRC Status
4. Annexation
 - ✓ Pinellas Planning Council

 - ✓ Discussion of Options
 1. Full Authority for Local Policy
 2. Preservation Areas
 3. Miscellaneous Provisions
 4. Policy on "Non-referendum" Referendums

 - ✓ Consideration of Options
5. Fire Services
 - ✓ Discussion of Options
 1. Single Countywide District
 2. Unincorporated Area District
 3. Authorization for Regional Policy
 4. Abolishment of Independent Districts

 - ✓ Consideration of Options
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order.

MINUTES OF THE MEETING OF NOVEMBER 7, 2006 – APPROVED

Chairman Bomstein presented the minutes of the meeting of November 7, 2005, and after receiving no response to a request for corrections, declared the minutes approved as submitted.

January 9, 2006

REVIEW OF CRC STATUS

Mr. Spitzer confirmed Mr. Wilson's presence via telephone conference call; whereupon, he related that the last scheduled meeting of the CRC had been cancelled due to the inability to obtain a quorum; that the next meeting is scheduled for January 30; that February 20 has been tentatively set as the date for the following meeting, if one is necessary; that three public hearings separated by at least ten but not more than 20 days are required prior to the submission of recommendations in the final report to the Board of County Commissioners (BCC); that the hearings would probably take place in late May and June; and that the final report to the BCC is due by June 30, 2006. He reviewed voting procedures; indicated that eight votes are required to pass a final recommendation to the BCC; and discussed available options with regard to matters requiring legislative action; whereupon, he noted that nothing would become effective unless adopted by both the legislative delegation and the electorate of Pinellas County.

* * * *

At this time, 3:41 P.M., Ms. Cole entered the meeting.

* * * *

Mr. Spitzer noted that there are several annexation proposals and three proposals regarding fire service delivery on today's agenda; and that there are five other issues which will need a final vote, possibly on January 30, as follows:

- dual vote requirement
- policies on future CRCs
- reporting of growth and planning information (suggested by Mr. Wilson)
- forum or process for building consensus on policy (suggested by Mr. Harrell)
- authorization to repeal the Pinellas County Charter

Responding to query by Mr. Bryan, Attorney Churuti indicated that she would confirm previous action taken related to the County Administrator's authority in employment matters. In reply to query by Chairman Bomstein, Attorney Churuti discussed the repeal of the Charter issue and the possibility of having a double question on the ballot authorizing the repeal of the Charter, and then repealing and replacing it; whereupon, Mr. Spitzer provided input regarding other Florida counties. Following discussion, Chairman Bomstein confirmed that the matter will be addressed at the next meeting together with other miscellaneous provisions; and in response to a request by Mr. Wilson, indicated

January 9, 2006

that the composition of the Commission will be included in the discussion of other topics related to the policy regarding future CRCs.

ANNEXATION

Pinellas Planning Council

Mr. Healey conducted a PowerPoint presentation titled *Annexation in Pinellas County*, and displayed a map of annexation planning areas, copies of which have been filed and made a part of the record.

* * * *

At this time, 3:59 P.M., Mr. Harrell entered the meeting.

* * * *

Mr. Healey reviewed background and statutory framework regarding annexation matters, including Chapter 171, Florida Statutes, the Countywide Planning Special Act of 1988, Chapter 98-484, Laws of Florida, and Pinellas County Ordinance No. 00-63, and discussed the following statistics:

- voluntary annexations submitted in the past five years
- percentage of voluntary annexations occurring in enclaves
- referendum annexations initiated over the past five years
- countywide future land use classifications regarding referendum annexations

Mr. Healey discussed three annexations by the City of Largo, including the West of 49th Street annexation, noting that the matter had been in litigation; the Ulmerton Road/49th Street annexation involving the Evatone property, with additional input provided by Attorney Churuti; and the 58th Street and Roosevelt Boulevard annexation, which had been challenged by the County regarding complaints that the City of Largo is not annexing the rights-of-way on 58th Street and will create a pocket by the annexation. He referred to the issue of property owners being subjected to a referendum more than once in a short period of time, and cited the examples of two City of Seminole referendums.

Referring to issues and potential solutions, Mr. Healey indicated that the voluntary annexation process is generally working well; and that an annexation subcommittee has been formed consisting of three members each of the PPC and BCC in order to address various issues. With regard to involuntary annexation, he discussed the 30/70 ratio, the

January 9, 2006

two-year time limit, advance notice, eligible areas, and the 51/49 ratio of parcels and area regarding non-referendum referendums. Responding to queries by the members, he explained the 30/70 ratio, whereby if 30 percent of the resident electors in the area subject to the annexation vote yes, the entire area would be annexed, including the 70 percent having no registered electors. Referencing the issues of enclaves, incentives, operational transfers, and financial impacts, he recommended that the members review the recommendations of the Pinellas Assembly Annexation Task Force, a copy of which has been filed and made a part of the record; and offered his suggestions regarding the matters of 60-day notification for the first ordinance reading on any involuntary annexation, the need to reach consensus on whether to change the 30/70 ratio, possible adjustment of the time frame within which a referendum could be resubmitted, and areas eligible to be annexed.

Mr. Healey discussed policy choices facing the CRC, including the option to do nothing, the approval of one or more special acts, and the encouragement of consensus building processes through the joint annexation subcommittee. Responding to query by Sheriff Coats, he indicated that an enclave consists of a portion of unincorporated area completely surrounded by a municipality.

In response to Chairman Bomstein's call for persons wishing to speak, the following individuals offered their comments and expressed their concerns:

Jerry Beauchamp, unincorporated area
Arthur Hebert, Largo, President, Oakhurst Neighborhood Association
Betty Bootier, unincorporated area
James Morton
W. C. Snipes, Clearwater (submitted handout document)
Bill Babcock, Evatone
Ray Neri, Lealman

Discussion of Options/Consideration of Options

At the request of Mr. Harrell, Chairman Bomstein reviewed the options for making changes to the annexation process, including requesting the delegation to hear it this year, which would require unanimous approval; waiting until the 2007 session of the legislature to address the special acts, with the matter going on the ballot in 2008; or taking action and bringing the matter to the voters this fall in the general election, subject to ratification by the legislative delegation at their next meeting in 2007.

Discussion ensued regarding the matter of the 30/70 ratio, lengthening the time period for resubmitting an annexation to five years and the possibility of utilizing an interlocal agreement to address the matter, notification procedures, the 51/49 commercial property issue involved in the Evatone matter and the feasibility of utilization of a higher standard,

January 9, 2006

and the inclusion of state, county, and government-owned properties in the percentages. Commissioner Latvala stated that inasmuch as legal counsel has determined that an interlocal agreement would not be binding, that option should be removed from consideration; and that before deciding on specific issues, a decision should be made as to the appropriate mechanism to address the matters; whereupon, she suggested that whatever the members decide to adopt regarding the issues should be placed on the ballot for the November 2006 election, with a request for action by the legislative delegation at the next 2007 session. She discussed enclaves, the amount of time between referendums, and notification procedures, with additional input provided by Sheriff Coats and Mr. Wilson, who suggested that the *Summary of Annexation Proposals* included in the backup material be considered for adoption of all or some of the items incorporated therein.

Following discussion regarding preservation areas, Mr. Harrell referenced Commissioner Latvala's suggestion that the members decide on an appropriate mechanism; whereupon, he moved, seconded by Commissioner Latvala, that Option 3 be adopted, which would place the issues on the ballot in the November 2006 election, subject to ratification by the legislature. Upon call for the vote, the motion carried unanimously.

* * * *

At the direction of Chairman Bomstein, there being no objection, the meeting was recessed at 5:37 P.M. and reconvened at 6:00 P.M., at which time he indicated that Agenda Item No. 5, Fire Services, would probably not be addressed at tonight's meeting and would be temporarily deferred to the meeting of January 30, 2006.

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Referring to the *Summary of Annexation Proposals*, Chairman Bomstein called for discussion regarding Item No. 1, Full Authority; whereupon, Mr. Wilson expressed support for real home rule as described in Item No. 1; and Mr. Harrell expressed a preference for starting with the "low-hanging fruit." Chairman Bomstein pointed out for clarification that if full authority were adopted, there would be no need to move beyond that to the other issues inasmuch as the other issues could then be undertaken at the County level; and he noted that votes taken tonight would require a simple majority to move forward, which would consist of six of the ten members present.

Following discussion, Mr. Wilson moved, seconded by Commissioner Latvala, that Option No. 1, Full Authority, be approved. In response to query by Mr. Bryan, Mr. Spitzer discussed the matter of setting precedent. Pursuant to additional discussion and

January 9, 2006

upon call for the vote, the motion was defeated 4 to 6, with Messrs. Bryan, Harrell, Davis, and Decker, and Mss. Burns and Cole casting the dissenting votes.

Referring to the *Summary of Annexation Proposals*, Mr. Harrell moved approval of Item 3-1, providing for 60-day notification of property owners within the proposed annexation area prior to the first public hearing; whereupon, Mr. Bryan indicated that he would like to change "certified mail" to "mail." Discussion ensued, with input regarding notification procedures provided by Mr. Spratt and Mark Ely, City of Seminole Senior Planner. Responding to query by Mr. Harrell, Chairman Bomstein indicated that there had not been a second to his motion; whereupon, the motion was seconded by Mr. Davis. Responding to query by Mr. Bryan, Attorney Churuti stated that if notification is sent by certified mail and the addressee refuses the certified mail, it would still indicate that the attempt was made to notify the individual; whereupon, she noted that if the matter is not clear, it will be amended for clarification when the final vote is taken. Responding to query by Mr. Wilson, Attorneys Churuti and Bennett referred to statutory references regarding referendum notification requirements. Following continued deliberations, Mr. Harrell indicated that his motion is to approve Item 3-1 so that those entitled to vote and the property owners shall receive notice. Ms. Burns stated that she would like to amend the motion to include full disclosure; Mr. Harrell indicated that the matter of disclosure is a separate issue; Mr. Spitzer related that the issues should be rolled up together into one annexation recommendation; and Attorney Churuti confirmed that it would be accomplished in that manner when written; whereupon, Ms. Burns withdrew her amendment. Upon call for the vote, the motion passed unanimously.

Mr. Harrell indicated that he would recommend approval of Item 3-3 but with the change of ten years to five years; whereupon, he moved, seconded by Ms. Burns, that Item 3-3 be approved, prohibiting cities from proposing the annexation of property by referendum for a period of five years after the last such referendum, without the property owner's written consent. Responding to query by Mr. Davis, Attorney Churuti indicated that it would not matter whether the property ownership had changed during the proposed time frame. Discussion ensued regarding the amendment to a five-year time frame versus the ten-year period suggested in the *Summary of Annexation Proposals*; and in response to query by Chairman Bomstein, Mr. Healey indicated that the Pinellas Assembly had not addressed the issue; whereupon, Chairman Bomstein expressed a preference for a seven-year period; and called for the vote for the motion on the floor. Upon call for the vote, the motion failed 5 to 5, with Sheriff Coats, Commissioner Latvala, Chairman Bomstein, and Messrs. Decker and Wilson casting the dissenting votes.

Thereupon, Commissioner Latvala moved, seconded by Mr. Decker, that Item 3-3 be approved for a seven-year time frame. Upon call for the vote, the motion carried 8 to 2, with Messrs. Harrell and Bryan casting the dissenting votes.

January 9, 2006

Attorney Churuti referred to Item 3-2 regarding the 30/70 ratio as follows:

“Annexation is prohibited without obtaining consent through a freeholder referendum held on a date certain. In the case of property owned by municipalities, the county, or the state, consent need not be obtained but such property may not count toward satisfaction of the percentage of property owner approval requirements contained in law.”

Following an explanation by Attorney Bennett of statutory provisions regarding the item, Mr. Harrell moved, seconded by Mr. Davis, that Item 3-2 be approved. Following discussion and upon call for the vote, the motion carried unanimously.

Mr. Harrell suggested that the members revisit the disclosure issue at this time; whereupon, Mr. Burns indicated that she would like to include that impacts of proposed annexations be disclosed to the affected parties. Attorney Churuti offered to prepare a draft regarding the matter for the members’ consideration at the next meeting; and Commissioner Latvala discussed the informational brochure prepared by the county. Discussion ensued with regard to when the information should be provided, possible non-economic impacts resulting from annexations, and previous discussion at the legislature as to how public notice should be given, including methods such as the posting of information on websites or by telephone.

* * * *

At this time, 6:42 P.M., Commissioner Latvala left the meeting.

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Responding to query by Chairman Bomstein, Ms. Burns indicated that she would concur with incorporating the disclosure issue into Item 3-1, which was approved earlier in the meeting; and upon Chairman Bomstein’s call for a vote, no objections were noted.

Attorney Churuti referred to Item 3-4, “Cities and the county are prohibited from offering any incentives or inducements to property owners in conjunction with an annexation proposal,” and in response to queries by Mr. Harrell, discussed the matters of cash incentives, impact fee waivers, in-kind rewards, tax relief, and improvements to private property; whereupon, she cited the example of a municipality offering to pay for new windows in a condominium; and discussed the need for a public purpose in matters such as paving of streets or reclaimed water on private land. Attorney Bennett indicated that the closing of enclaves represents a public purpose; and Mr. Bryan expressed the need to enforce existing laws.

January 9, 2006

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At this time, 6:52 P.M., Commissioner Latvala returned to the meeting.

* * * *

Discussion continued regarding cash inducements and private property enhancements; and in response to query by Commissioner Latvala, Attorney Churuti explained constitutional language requiring that expenditure of tax levies must serve a public purpose. Following continued deliberations, Attorney Churuti indicated that the language in Item 3-4 could be amended to state "cash incentives or any other incentives that do not qualify for a public purpose."

Thereupon, Commissioner Latvala moved, seconded by Mr. Davis and carried, that Item 3-4 be approved with the above-mentioned language revision.

Attorney Churuti referred to Item 3-5 regarding annexation of property within enclaves, and explained the theory of incentivizing the closing of very small parcels of unincorporated areas and homogenizing the service areas; and during discussion, noted that the subject wording represents language drafted by the legislature regarding the closing of enclaves. Following discussion, Chairman Bomstein noted consensus to take no action on the item.

Chairman Bomstein referred to Item 4, Non-Referendum Limitations, and noted that it represents an example of the Evatone situation; whereupon, he stated the conditions in the Bomstein provision that 75 percent of the boundary has to be surrounded by the annexing city and or/property owners consenting to the annexation; and added that in retrospect, he believes that 75 percent would be too burdensome; but that the percentage should be more than 50 percent. Mr. Healey indicated that he believed the matter had been addressed with approval of Item 3-2, whereby all the freeholders would vote; and Attorney Churuti provided clarification and indicated that the matter is a separate issue.

Following discussion, Attorney Churuti indicated that the motion would indicate that as applied to non-referendum annexations, that there be one-half of the entire boundary and two-thirds of the people voting; whereupon, Commissioner Latvala moved the aforementioned motion, seconded by Mr. Davis for discussion purposes. Attorney Churuti reviewed the language in Item 4; and in reply to queries by Mr. Harrell, stated that economic development is a public purpose. Deliberations continued regarding issues related to businesses in the county, such as the tax structure and increasing property values, the Evatone situation, and other businesses involved in the annexation effort; whereupon, Chairman Bomstein called the question on the motion to change the 75

January 9, 2006

percent on the boundaries to 50 percent, and to change the 75 percent on acreage and number of parcels to 66 percent. Mr. Harrell requested that the members address the proposals separately and not as a single package; and Chairman Bomstein indicated that the matter would not be addressed at the present time, but at a later date as part of the CRC's final decisions.

Upon call for the vote, the motion carried 8 to 2, with Messrs. Harrell and Bryan casting the dissenting votes.

Chairman Bomstein referred to Item 2, Preservation Areas; whereupon, discussion ensued regarding the time period of not greater than ten years for the BCC to formally establish the preservation areas. Mr. Harrell indicated that he would submit a negative motion; whereupon, he moved, seconded by Mr. Bryan, that item 2 not be adopted. Deliberations continued; and Mr. Harrell expressed concern about understanding the possible ramifications of approving the item.

Responding to Chairman Bomstein's call, City of Clearwater Commissioner Bill Johnson, offered his comments and expressed his concerns.

Chairman Bomstein expressed his opinion regarding the preservation area concept and referred to Tierra Verde's wish to establish its independence permanently; and indicated that he feels comfortable that the 7-year hiatus approved earlier addresses the preservation area concept.

Chairman Bomstein clarified that the motion by Mr. Harrell is to take no action relative to preservation areas; whereupon, Ms. Burns seconded the motion. Upon call for the vote, the motion carried 8 to 2, with Commissioner Latvala and Mr. Wilson casting the dissenting votes.

OTHER BUSINESS

Chairman Bomstein indicated that the next meeting will address the fire service issue; whereupon, he referred to a memo from Mr. Spitzer and a letter from attorney Alan Watts, Cobb and Cole, expressing an opinion differing from the previous opinion of the County Attorney that the County would have to pay the various cities and fire districts for their assets if a Countywide fire district were formed, which would result in the Countywide entity starting off with a substantial amount of debt. He noted that Attorney Watts' opinion essentially states that governments do not have to compensate each other in this type of situation; and that the members may want to revisit the issue.

January 9, 2006

ADJOURNMENT

At the direction of Chairman Bomstein, there being no objection, the meeting was adjourned at 7:51 P.M.

Clearwater, Florida, November 7, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 3:33 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
James F. Coats, Sheriff
Robert C. Decker
Roy Harrell
Louis Kwall
Roger Wilson

Late Arrival:

Katie Cole

Absent:

Jim Sebesta, State Senator
Karen Burns
George Jirotko

Also Present:

Stephen M. Spratt, County Administrator
D. Gay Lancaster, Chief Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
James L. Bennett, Chief Assistant County Attorney
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc
Other interested individuals
Cathy Fickley, Deputy Clerk

November 7, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. Fire Services Study – Final Report
 - ✓ MGT
 - ✓ Comments
4. Discussion of Options
5. Consideration of Motions on Options
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order; and confirmed that Senator Sebesta would not be in attendance; whereupon, he related that the Fire Districts/Fire Services issue is the only topic scheduled for discussion.

MINUTES OF MEETING OF SEPTEMBER 13, 2005 – APPROVED

Chairman Bomstein presented the minutes of the meeting of September 13, 2005, and after receiving no response to a request for corrections, declared the minutes approved by acclamation.

MGT OF AMERICA, INC. FINAL REPORT

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., referred to the *Fire and Fire Rescue Services Improvement Study for the Pinellas County Charter Review Commission Final Report*, a copy of which has been filed and made a part of the record; and indicated that a revision had been made pertaining to automatic aid information; whereupon, Chairman Bomstein pointed out the correction reflected on page 1-16 of the report. Mr. Humphrey related that the report addresses the following three recommendations:

November 7, 2005

- ✓ Create a single fire district for Pinellas County.
- ✓ Establish a priority dispatch system.
- ✓ Incorporate current mixture of paramedics and emergency medical services into an overall planning system.

In response to queries by the Chairman, Councilmember Bryan and Mr. Harrell, Mr. Humphrey discussed the use of expensive equipment utilized by the cities, explained the mutual aid process; and related that the overall system is very good, but that the focus of the study is cost, efficiency and the priority dispatch issue.

Chief James Angle, President, Pinellas County Fire Chiefs and John Little, Pinellas County Council of Fire Fighters conducted a PowerPoint presentation titled *Response to the Report "Fire and Fire Rescue Services Improvement Study" for the Pinellas County Charter Review Commission*, a copy of which has been filed and made a part of the record, and presented highlights of the following topics:

- ✓ Initial Concerns – key areas of the system not included in study; no defined minimum service delivery level.
- ✓ Scope of Work – final report does not include many of the tasks identified.
- ✓ Final Report – demographics; major study areas lack substantial research.

During his presentation, Chief Angle offered the following recommendations:

- ✓ Do not accept the final report as it is incomplete and inaccurate.
- ✓ If the report is accepted, remove areas as recommended during discussion.
- ✓ Accept the report but include the joint position paper as part of the report.

November 7, 2005

Alluding to a letter he had received from Commissioner Seel pertaining to fire and emergency medical services issues agreed upon by the American Assembly, Chief Angle suggested that a panel be formed to address the fire service issues.

Mr. Little provided historical background information regarding the Pinellas County Council of Firefighters; described the work that the Council performs; and suggested that the fire study is misleading and the recommendations are based on assumptions, personal opinions, and systems that have no common ground with Pinellas County. He requested that the Council be able to readdress the members with suggested solutions; whereupon, in response to query by Mr. Kwall regarding the unification of fire departments, Mr. Little stated that several local departments have been consolidated internally; and Chief Angle added that the unification process addressed union locals and not fire service operations.

Thereupon, Chief John R. Leahy, Jr., Pinellas Suncoast Fire Rescue District, Chief William Stout, City of Safety Harbor, Chief Bud Meyer, City of Dunedin, Chief William Naylor, City of South Pasadena, and Chief Jim Callahan, City of St. Petersburg, provided an historical overview of fire department operations; related that the departments have live fire capability for training purposes as a result of action taken by the Board of County Commissioners (BCC) and Penny for Pinellas funding; indicated that most of the small cities have modern equipment that can handle emergency situations; and addressed how funding is distributed within planning districts.

During discussion pertaining to acceptance of the study by the members, Mr. Kwall moved, seconded by Commissioner Latvala, that the Fire Chiefs' comments be included with the final MGT report, without verification by the members should it be disseminated to the public; whereupon, following further discussion and upon call for the vote, the motion carried unanimously.

During additional discussion and in response to query by Mr. Kwall, Chief Angle acknowledged that 9-1-1 emergency assistance cannot be accessed utilizing the Internet phone service; related that it is important that the public be made aware of the issue; and that the matter is being addressed.

Mr. Spratt provided historical background information regarding the special act adopted in 1973 that established the county's Fire Protection Authority (FPA). He described the purpose of the act and the resultant powers bestowed upon the BCC which sits as the FPA; and indicated that a cohesive fire protection plan has never been formulated; and that staff has attempted to ascertain if a cost effective system could be implemented; whereupon, in response to query by Mr. Kwall, he clarified the BCC powers outlined in the special act. Mr. Spratt reiterated that the act clearly intended that there be a countywide system and plan to ensure coordination; and that it needs to be accomplished;

November 7, 2005

whereupon, he referred to the need for countywide system planning and control and described how the process is currently utilized in the Emergency Management Services (EMS) system. He indicated that the county funds over a third of the system through EMS ad valorem taxes and unincorporated area tax levies; and discussed methodology for improving system productivity; whereupon, he reported that staff has outlined five regions consisting of cost effective groupings of agency responders; that a cost effective budget analysis was conducted to determine how it relates to what currently exists; and that the findings conclude that \$15 to 18 million in potential savings could be realized by the creation of performance budgets within the regions. Mr. Spratt addressed the unification of tax rates; provided an overview of various millage rates; and suggested that an aggregate countywide millage may stabilize widely swinging rates in various regions. Referring to the aforementioned system plan, Mr. Spratt indicated that staff has drafted proposed amendatory language to the special act that would provide the FPA with the ability to set standards in an effort to work towards a more efficient system; whereupon, discussion ensued with regard to the proposed legislation.

Thereupon, Mr. Spitzer indicated that following a meeting with the County Attorney's Office, a revision has been made to the proposed legislation; whereupon, he distributed a document reflecting amendments to the Charter, Section 2.04, Special Powers of the County, a copy of which has been filed and made a part of the record, and provided clarification of the amendments.

During further discussion and in response to queries by Councilmember Bryan, Michael Cooksey, Pinellas County EMS and Fire Administration, indicated that savings were realized by the pooling of resources in his department; that chief and officer level positions were reduced; but that no stations were closed. In response to query by Councilmember Bryan pertaining to Mr. Spitzer's memorandum of November 5, 2005, a copy of which has been filed and made a part of the record, Mr. Spitzer addressed potential charter changes and the resulting authority that would be granted to the BCC; whereupon, Mr. Spratt added that the special act could be amended to clarify that one of the duties of a FPA is to establish a system plan and system standards; that the BCC has indicated that it would not support a singular countywide authority; but that it would support consolidation if cost effectiveness is achieved.

Responding to queries by the Chairman and Councilmember Bryan regarding a unitary unincorporated area tax rate, Mr. Spratt outlined the reasons why a unified tax rate has not yet been formulated, and reiterated that the amendatory language to the FPA code and special act would give the FPA the ability to establish and impose standards; whereupon, Mr. Spitzer read the proposed language that would determine the powers and duties of the FPA. Responding to query by the Chairman, Attorney Bennett provided an overview of Chapter 62 of the Pinellas County Code; discussed the county's limitations of power in amending special acts; and related that a Charter amendment would be required to

November 7, 2005

effectuate revision of the FPA's Charter powers; whereupon, Attorney Long commented that an ordinance cannot be amended until the Charter is amended.

Thereupon, Mr. Spitzer referenced his memorandum of November 5 and read the third version of the proposed amendment to the Charter; whereupon, Chairman Bomstein suggested that the ballot questions contain more user-friendly language, and discussion continued.

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The meeting was recessed at 5:28 P.M. and reconvened at 5:53 P.M.; whereupon, Katie Cole entered the meeting.

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DISCUSSION OF OPTIONS

At the Chairman's request, Mr. Spitzer provided a review of the options outlined in his memorandum dated November 5; and at the request of Commissioner Latvala, he defined the proposed advisory council and indicated that its function would be to provide advice to a governing body; whereupon, discussion ensued with regard to the make-up of the governing district board and independent and dependent districts. Sheriff Coats suggested that another option could be the consolidation of the county fire districts under the authority of the Sheriff's Office; and related that it has been done in other jurisdictions.

Discussion continued regarding the population figures for the 12 dependent districts, the possibility of citizens passing a referendum, and the third amendment option authorizing the BCC to establish regulatory standards on a countywide basis; whereupon, in response to query by Councilmember Bryan, Mr. Spitzer related that the BCC currently has the power to determine minimal standards; and that the proposed amendment would change the wording to maximum standards.

In response to the Chairman's call, Winthrop Newton, St. Petersburg Association of Firefighters Local 747, representing the Lealman Fire District discussed collective bargaining issues pertaining to the independent fire districts; and Attorney Long explained how employee negotiations would take place. Mr. Wilson expressed concern with regard to the proposed transition provision; whereupon, Chairman Bomstein commented that general law would provide for the inclusion of bargaining unit agreements.

November 7, 2005

Thereupon, Scott Sanford, President, Local 2980 representing Palm Harbor and Oldsmar Firefighters appeared and expressed his concerns with regard to the claim of existing deficiencies, and the proposed change in standards; and suggested that the interested parties meet to discuss the issues; whereupon, in response to Mr. Wilson's request for communication by the fire chiefs and firefighters, Mr. Sanford stated that the Council of Firefighters and the Fire Chiefs Association would like the opportunity to present a plan to the members; and Mr. Little concurred.

Bill Israel, Gulfport, appeared, provided historical background information pertaining to a South Pasadena fire district referendum, and urged the members to have political courage and treat everyone fairly in the decision-making process.

During further discussion, and in response to query by Mr. Harrell, Chief Assistant County Administrator D. Gay Lancaster indicated that it has been determined that the unincorporated area fire service district is not practical; that Mr. Spratt had suggested leaving current providers in place and allowing the FPA to set standards; and that during the American Assembly process, it was recommended that all fire services consider a regional delivery posture; whereupon, Mr. Harrell stated that he favors the countywide standards; and suggested that the county and local municipalities be given two years to resolve the issues; and that the CRC can be reconvened if the issues cannot be resolved.

Discussion continued wherein Mr. Kwall pointed out that the voters would make the final decision and Chairman Bomstein and Commissioner Latvala concurred; whereupon, C. T. "Chuck" Kearns, Director of EMS and Fire Administration, suggested that a possible monetary incentive could be utilized to bring the departments together under a Joint Powers Agreement.

Chief Jeff Bullock, Cities of Largo and Belleair Bluffs, related that his cities work well together in a spirit of cooperation; that resources are shared and the stations have merged thereby creating a very efficient system; whereupon, discussion continued with regard to the first responder and transport process.

Deliberation ensued with the following suggestions provided by the members:

Councilmember Bryan – discontinue discussion of the fire service issue completely and let the voters decide.

Mr. Harrell – discontinue discussion regarding the single unincorporated area fire protection district option as the county has indicated that it is not appropriate; requested discussion pertaining to minimum standards; suggested

November 7, 2005

members review the standards option before a decision is made.

Mr. Wilson – does not favor a countywide fire department; consider consolidation of three or four fire departments; would like additional input by fire chiefs and firefighters; suggested that independent legal counsel may be able to assist with referendum.

Mr. Davis – would like consideration of county's presentation regarding regionalization and authority to implement standards; does not believe it is structurally possible to consolidate into one fire district; believes that the mission of the CRC is to provide the voters with options it believes is best for county government and let the voters decide.

Commissioner Latvala – supports the establishment of countywide standards.

Thereupon, Commissioner Latvala referred to option number two, Countywide Fire Policy, and moved, seconded by Mr. Harris, that the second bullet, development of countywide standards of coverage, be approved; whereupon, she requested that both options be discussed.

Chiefs Callahan and Sanford provided input pertaining to the setting of standards; and at the request of Commissioner Latvala, Ms. Lancaster discussed the funding issue and pointed out that the purpose of setting standards is to serve all people with equity by making intelligent decisions regarding the utilization of resources.

Chairman Bomstein requested that the members address the issues; whereupon, Mr. Harrell referred to the county's proposal of regionalization, and suggested that all interested parties meet to determine if a plan can be agreed upon; that a deadline be established; and that the matter be revisited by the CRC if nothing is accomplished. Mr. Kwall commented that professional people are expected to have certain qualifications and it is not unusual to have professional standards. Commissioner Latvala pointed out that the mission of the CRC is to place a referendum on the ballot for the voters to decide if county government would be improved; and that the standards issue pertains to a small change of language and a law that is in existence; and Chairman Bomstein concurred. Councilmember Bryan stated that the members have just received the standards option; and that he cannot support it without clear legislative language and an opportunity to study the proposal; whereupon, Mr. Kwall moved to table the issue; Commissioner

November 7, 2005

Latvala pointed out that there was a motion on the floor; and Chairman Bomstein requested that the motion and second stand.

Belleair Bluffs Mayor Chris Arbutine related that he has successfully consolidated two fire departments and merged his administration with the City of Largo; and that MGT did not approach him to determine how this was accomplished; whereupon, he suggested a process in which regionalization may be successful. During discussion, Mr. Davis suggested that if the motion is adopted, Mayor Arbutine's approach may be helpful to the BCC in its request to the cities to voluntarily attempt to work together in an effort to create the five zones; whereupon, Commissioner Latvala commented that the county does not have the authority to instruct the cities to work together to consolidate the fire departments. Ms. Cole suggested that the county impart regulatory standards within the regions in an effort to achieve regional delivery of services at a lower cost for every citizen of the county; whereupon, Chairman Bomstein pointed out that the requirements and best interests of each district should be taken into consideration when formulating the plan; and that Ms. Cole's suggestion is to have regional plans that would promote cohesiveness within the regions and encourage the districts and departments to work together.

Thereupon, Ms. Cole offered a friendly amendment to the motion to include the additional language as stated by Chairman Bomstein; and the maker of the motion concurred. In response to query by Chairman Bomstein and at Commissioner Latvala's request, Ms. Lancaster provided several examples that illustrate the inequity of standards countywide; and related that the county strives to adhere to the highest level of national standards; whereupon, following additional discussion, Mr. Harrell moved to table the issue until the following meeting in order to provide the cities and county an opportunity to return to the CRC on the singular issue; and to allow the county to submit more definitive information with regard to regionalization.

Thereupon, Chairman Bomstein indicated that the motion to table does not require a second; whereupon, upon call for the vote, the motion carried 8 to 2, with Chairman Bomstein and Mr. Kwall casting the dissenting votes. Chairman Bomstein noted that the topic of the next meeting is annexation; and that the fire study issue would be rescheduled to the following meeting.

Mr. Kearns referred to a packet titled *Pinellas County Charter Review Commission Fire and Fire Rescue Services Study Pinellas County Analysis of the MGT America, Final Report*, a copy of which has been filed and made a part of the record; and requested that the report be included with the MGT report; whereupon Commissioner Latvala moved, seconded by Mr. Kwall and carried, that the request be approved.

November 7, 2005

OTHER BUSINESS

Chairman Bomstein reiterated that the annexation issue will be discussed at the November 21 meeting; that the fire study issue will be discussed at the meeting following annexation; and that the motion made by Commissioner Latvala will be revisited at that time; whereupon, discussion ensued, and in response to query by Ms. Cole, Chairman Bomstein indicated that the unincorporated single fire district issue remains open; and that the members will appear at the December 1, 2005 legislative meeting to discuss other issues.

Discussion resumed with regard to the scheduling of upcoming meetings; whereupon, several members indicated that they would be unavailable for the November 21 meeting. Chairman Bomstein indicated that Mr. Spitzer would notify the members via email regarding the meeting schedule.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 7:42 P.M.

Clearwater, Florida, October 11, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the General Conference Room of the Young-Rainey STAR Center, 7887 Bryan Dairy Road, Largo at 5:08 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
John Bryan, City of St. Petersburg, Councilmember
James F. Coats, Sheriff
Robert C. Decker
Roy Harrell
George Jirotko
Louis Kwall
Susan Latvala, County Commissioner
Jim Sebesta, State Senator
Roger Wilson

Late Arrival:

Karen Burns

Absent:

Katie Cole

Also Present:

Susan H. Churuti, County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc.
Other interested individuals
MaryAnn Penhale, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes

October 11, 2005

3. Fire Services Study
 - ✓ MGT – Final Draft Report
 - ✓ Consideration of Draft Legislation
4. Annexation Policy
 - ✓ Presentation by Mayors' Council
 - ✓ Presentation by PPC
 - ✓ Consideration of Draft Legislation
 - Option 1 – Full Authority
 - Option 2 – Preservation Areas
 - Option 3 – Miscellaneous Revisions
 - Option 4 – Policy on Non-Referendum Annexations
 - Option 5 – Enclave MSTUs
5. Other Business
6. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and confirmed the presence of a quorum; whereupon, he noted that Ms. Burns will be arriving later; and that Ms. Cole will not be in attendance. On behalf of the members, he extended collective congratulations to Mr. Jirotko on his appointment to the Circuit Court; and noted that Mr. Jirotko will be able to continue to serve on the CRC after he is invested as a judge.

MINUTES OF MEETING OF SEPTEMBER 19, 2005 – APPROVED AS AMENDED

Upon presentation of the minutes of the meeting of September 19, 2005 by Chairman Bomstein, Mr. Wilson referred to page 3, *Topics of discussion*, and requested an addition reflecting his request for information regarding mutual aid service activity; whereupon, Senator Sebesta moved, seconded by Commissioner Latvala, that the minutes be approved as amended; and following a request by Mr. Jirotko for another addition, Chairman Bomstein requested that the minutes incorporate that Mr. Jirotko had raised the question of whether or not he needed to recuse himself from the Evatone matter; that it had been confirmed that it is not required; and that the minutes will stand approved as modified.

Thereupon, Mr. Bryan presented a brief update regarding the status of proposed legislation regarding the board makeup of the Pinellas Suncoast Transit Authority (PSTA).

October 11, 2005

FIRE SERVICES STUDY

MGT Final Draft Report

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc. referred to a document titled *Fire and Fire Rescue Services Improvement Study for the Pinellas County Charter Review Commission – Draft Final Report, Questions and Issues*, a copy of which has been filed and made a part of the record; and reviewed fire services provided to incorporated areas by city fire departments or fire districts; whereupon, he noted that he will forward information regarding the amount of the millage rate if the unincorporated dependent districts were consolidated into a single group. He discussed Insurance Service Organization (ISO) ratings and the components of the fire suppression rating schedule; and stated that ISO ratings would probably not be materially affected by a consolidation; whereupon, discussion ensued as to how the ratings are utilized with regard to insurance rates and the fact that a consolidated fire district could encompass different ratings within itself.

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At this time, 5:26 P.M., Ms. Burns entered the meeting.

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Mr. Humphrey distributed a chart titled *Mutual Aid Analysis – Pinellas County*, a copy of which has been filed and made a part of the record, and reviewed information contained therein together with statistics shown on page 7 of the draft final report regarding St. Petersburg and Gulfport with respect to responses by department, events occurring in the area, fire departments going to other areas, and fire departments coming into the area. Referring to the chart, he noted that it demonstrates how consolidated the existing fire departments already are; that money is being spent by larger cities to take care of smaller cities; and that the bigger cities have larger, better equipment. Responding to queries by Chairman Bomstein and the members, he explained the consideration of the first responder in the statistical recording of events; and Chairman Bomstein pointed out that the chart is intended to present an analytical overview of the donor and recipient districts. He reviewed a graphic chart on page 8 titled *Cost Improvement Opportunity and Implications*, and summarized modification scenario 1 which would encompass closing three stations, maintaining eight stations on partial duty, and reducing existing supervisory and administrative positions for a \$14.4 million difference in operational costs; and modification scenario 2 which would encompass closing up to eight stations, utilizing three stations, and reducing administrative supervisory positions. Responding to queries by the members, he indicated that the amount of potential savings based on

October 11, 2005

scenario 2 is approximately \$19.9 million; that the study proposes a three- to five-year plan; that variables should be considered in determining utilization of the fire stations; and that political considerations should be removed from planning operations. He discussed the possible advantages of a consolidated department in relationship to major disasters/events; and noted that the issues of command and control could be better addressed under some form of consolidation; and that the county in essence becomes a consolidated department during hurricane situations. Responding to query by Mr. Harrell, Mr. Spratt discussed comprehensive emergency management plans. In reply to query by Mr. Decker regarding ad valorem taxes, Mr. Humphrey indicated that he could send the members additional information not contained in the report; whereupon, he summarized data related to millage rates for the dependent fire districts and noted that the average rate would be .244 if the unincorporated fire districts were consolidated.

* * * *

The meeting was recessed at 6:08 P.M. and reconvened at 6:22 P.M.

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Responding to query by Councilmember Bryan, Mr. Humphrey discussed the cost of fire operations in St. Petersburg compared to its population, and the potential for cost savings under a consolidated system.

Consideration of Draft Legislation

Mr. Spitzer referred to a draft Special Act which would create a single countywide fire district, and noted that if approved by the voters in November 2006, the proposed bill would:

- ✓ create a governing body of seven persons (three county commissioners and four elected city officials appointed by the four largest cities in Pinellas County)
- ✓ create a new district to provide fire protection services beginning in January 2008
- ✓ appoint a 15-person advisory committee
- ✓ empower the district to impose up to three mills of ad valorem tax

October 11, 2005

- ✓ provide protection for employees in continuation of salary and benefit programs
- ✓ transfer all assets and debt to countywide fire district

Responding to query by Councilmember Bryan, Mr. Spitzer indicated that no opt-out clause for major cities is included.

Attorney Churuti discussed constitutional issues and stated that the independent special district would be provided for by general law; whereupon, she discussed the existing ten mill cap for local governments and the trend of moving fire expenses out of the ad valorem millage into special assessments. Responding to queries by Chairman Bomstein, she confirmed that the new fire district would purchase the assets of the various departments and assume their debts; and that the proposed model for consolidation is the most prevalent one. During discussion, Chairman Bomstein suggested revisiting the model for consolidation, referencing concerns related to debt service, which could possibly undermine savings; and the issue of billing the voters through the ad valorem tax; whereupon, Mr. Harrell requested an estimate of the value of equipment and property. Discussion ensued; and Commissioner Latvala suggested creating the new entity but not making it mandatory; discussed the possibility of an opt-in clause; and stated that priority dispatch must be included; whereupon, Chairman Bomstein noted that four individuals have requested to speak regarding the agenda item.

James Angle, President of Pinellas County Fire Chiefs Association, requested additional time for a response following completion of the final report by MGT of America, Inc.; and indicated that there is a potential 30 percent impact to the ISO rating in addition to the four percent referenced by Mr. Humphrey; that in a disaster situation, the fire departments work under the county's Comprehensive Emergency Management Plan; and that he will be available to discuss consolidation issues related to unions and salaries as referenced by Councilmember Bryan; whereupon, Chairman Bomstein confirmed that Chief Angle will be given adequate time for his response when the report is completed.

Winthrop Newton, St. Petersburg, President of Local 747, discussed collective bargaining issues regarding the fire departments; and Attorney Churuti explained the proposed negotiation system, which would be utilized with various unions for a new contract under the proposed new entity. Mr. Wilson offered his observations regarding existing issues with the current first responder system.

Mayor Jerry Beverland, City of Oldsmar, indicated that Mr. Humphrey had not contacted the mayors regarding fire service matters; and suggested the need for the consultant to specify which fire stations would have to be closed and the amount of related costs. Mr. Wilson offer his observations regarding service delivery issues.

October 11, 2005

Mayor Rick Baker, City of St. Petersburg, stated that the CRC should not send anything forward unless the members feel it should be voted on; that the fire service issue had been discussed during the Pinellas Assembly process; that he disagrees with the premise that consolidation will make the system more efficient; and that he recommends the CRC exercise caution in moving forward.

During discussion, Mr. Kwall suggested that costs related to middle managers and chiefs should be reviewed; Chairman Bomstein stated that Pinellas County has 19 fire departments in the second smallest county in geographic area in the state; and that the foregoing fact raises the question of whether consolidation could result in efficiency. Mr. Harrell discussed central command in times of disaster, cost issues, and the difficulty in identifying ways to achieve efficiencies; and Ms. Burns discussed the draft bill and the loss of potential efficiencies in the way the bill is structured. Responding to query by Mr. Kwall, Mr. Spratt discussed possible funding sources and the need for additional analysis regarding the matter. Following further deliberations, Chairman Bomstein requested that Mr. Spratt form a work group to explore other possible mechanisms, including the opt-in/opt-out option referenced by Commissioner Latvala, and other methods of making a countywide fire system economically feasible. Responding to query by Mr. Harrell, Attorney Churuti indicated that she would provide information regarding the straw ballot question at the next meeting.

ANNEXATION POLICY

Presentation by Mayors' Council

Mayor Beverland thanked the members for the opportunity to address them; and stated that the Mayors' Council has at no time indicated that they are unwilling to work with the CRC regarding the matter of annexation; that the mayors should have the right to be included in discussions regarding the annexation process; that the Mayor's Council will not agree to a carte blanche annexation policy of preservation areas being placed around the cities; and that the CRC should allow the Board of County Commissioners (BCC) to decide whether the annexation propositions are to be placed on the ballot; whereupon, he referenced recent requests by eight residents for annexation into the City of Oldsmar.

Presentation by Pinellas Planning Council (PPC)

PPC Chairman Bill Foster urged the members to proceed with caution regarding annexation issues and referred to the issue of the home rule of the cities and quality of life services; whereupon, he stated that the PPC and BCC had held three joint meetings to discuss Ordinance 00-63 and adopt a reasonable process to address a very few areas of

October 11, 2005

disagreement; that a joint annexation subcommittee has been formed comprised of Chairman John Morroni, Commissioners Kenneth T. Welch and Ronnie E. Duncan of the BCC, and Councilmember Hoyt Hamilton, Commissioner Nadine Nickeson and himself representing the PPC, in order to address an update of the planning area boundaries and issues related to voluntary, involuntary, and referendum annexations. He indicated that there is no need to change the general laws, create a special act, or create preservation areas; that the county and the PPC desire to work together; and that the CRC should permit the entities to move forward in identifying mutually agreeable solutions.

PPC Executive Director David P. Healey indicated that he would like to conduct a 30-minute PowerPoint presentation before the CRC takes action on any of the five special acts; whereupon, he referred to the late hour and offered to postpone the matter to the next meeting; and Chairman Bomstein concurred. Mr. Healey indicated that the presentation would include a broader historical perspective on annexation matters and statistics regarding voluntary annexations versus annexation referendum in the county. Mr. Wilson offered his observations regarding Councilmember Foster's comments related to the establishment of preservation areas. Discussion ensued; and Chairman Bomstein noted that the matter would be addressed further at the next meeting with a full presentation.

OTHER BUSINESS

Chairman Bomstein stated that the legislative delegation is having its first meeting on October 27; and that there will be a second meeting in December; whereupon, he noted the consensus of the members to not proceed with a presentation to the legislative delegation on October 27. Discussion ensued as to the schedule of upcoming meeting dates for the CRC, with the next meeting scheduled for November 7, and the matter of getting on the agenda with the legislative delegation in December; whereupon, Attorney Churuti indicated that she would follow-up regarding the matter; and Assistant County Administrator Elithia V. Stanfield provided input regarding requirements for specific language by the legislative delegation for filing legislation for local bills and the public hearing process.

Following discussion, Chairman Bomstein announced that the next CRC meeting will be held on Monday, November 7 at 3:30 P.M. at the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park; that the following meeting will be held on November 21 at 5:00 P.M. at today's location; and that the time and location of the November 28 meeting will be determined in the near future.

October 11, 2005

ADJOURNMENT

Chairman Bomstein addressed those in attendance who had wished to speak regarding the matter of annexation; and indicated that they will have an opportunity to speak at the next meeting; whereupon, there being no objection, he adjourned the meeting at 8:12 P.M.

Clearwater, Florida, September 19, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Hospitality Classroom of the C. W. Young University Partnership Center Building at St. Petersburg College, 9200 113th Street North, Seminole at 5:13 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
John Bryan, City of St. Petersburg Councilmember
James F. Coats, Sheriff
Robert C. Decker
George Jirotko
Louis Kwall
Susan Latvala, County Commissioner
Jim Sebesta, State Senator
Roger Wilson

Late Arrivals:

Karen Burns
Katie Cole
Roy Harrell

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc.
Other interested individuals
Arlene Smitke, Deputy Clerk

AGENDA

1. Welcome
2. Approval of Minutes
3. Fire Services Study – Preliminary Report

September 19, 2005

4. Annexation Policy
 - a. Charter Authority – Policy on Involuntary Annexations
 - b. Charter Authority – Policy on Preservation Areas
 - c. Charter Definitions
5. Other Business
6. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and confirmed the presence of a quorum; whereupon, he noted that Ms. Cole, Ms. Burns, and Mr. Harrell are not yet present.

MINUTES OF MEETING OF AUGUST 15, 2005 – APPROVED

Upon presentation of the minutes of the meeting of August 15, 2005 by Chairman Bomstein, Senator Sebesta moved, seconded by Commissioner Latvala and carried that the minutes be approved as distributed.

FIRE SERVICES STUDY – PRELIMINARY REPORT

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., referred to a document titled *Fire and Fire Rescue Services Improvement Study for the Pinellas County Charter Review Commission – Draft Final Report* and conducted a PowerPoint presentation, copies of which have been filed and made a part of the record. He indicated that MGT has been working on the study for three months; that the fire system had been discussed at an earlier meeting; that additional information will be gathered and verified; and that a second version of the report will be completed in approximately two weeks, with the final version to be completed in the latter part of October; whereupon, he presented commendations on various aspects of the current system, reviewed the findings of the study, and elaborated on the following recommendations:

- ▶ Establish a single fire district encompassing the entire county and incorporate the existing fire departments and fire districts into the new district.

September 19, 2005

- ▶ Implement a priority dispatch system using symptom guidelines to evaluate 911 calls and provide victims with the most appropriate response.
- ▶ Revise policy and procedures regarding Advanced Life Support (ALS) to incorporate the appropriate level of response based on the incident.
- ▶ Create a single emergency dispatch center that co-locates the dispatchers for all law enforcement, fire, and medical calls. This may not be a feasible alternative.
- ▶ Do not install traffic preemption devices on ambulances at this time. Many fire trucks currently have this capability, and multiple controllers could create a collision hazard.

* * * *

Ms. Cole entered the meeting at 5:21 P.M.; Ms. Burns and Mr. Harrell arrived at 5:24 P.M.

* * * *

Mr. Humphrey indicated that the savings potential is still being evaluated; that further discussions will be held with the stakeholders; that appendices will be supplied by the County for inclusion in the final report; and, in conclusion, that overall fire operating costs could be reduced by 10 to 15 percent by adopting a single district; that savings could amount to \$10 to \$15 million; and that implementation will take three to four years.

Topics of discussion included the following:

- ▶ EMS first responder medical/fire service is funded by tax dollars; Sunstar ambulance service is fully user supported.
- ▶ Fire department/district personnel are capable of handling a major fire, even if the on-demand staffing concept is employed.
- ▶ Mr. Wilson requested that MGT contact the Insurance Service Office (ISO) regarding the implications of department/district consolidation and the resulting district rating.

September 19, 2005

- ▶ Statistical information regarding mutual aid activity is currently being compiled and will be included in the report.
- ▶ The study addresses cost efficiency and effective service delivery; quality of service not an issue and should be retained at its current level.
- ▶ The study addresses operational issues only; governance would likely be delegated to a new entity, which would be responsible for planning and level of service issues.
- ▶ In many respects, the current system functions as a single district.
- ▶ The County will be providing ad valorem tax information; MGT can provide comments, but will not do a detailed analysis.

Responding to the Chairman's call for citizens wishing to be heard, the following persons appeared and stated their opinions:

Chief James S. Angle, Palm Harbor Special Fire Control and Rescue District
William Israel, Pasadena Golf Club Estates
President John Little, Pinellas County Council of Fire Fighters

During discussion, Ms. Cole requested that Mr. Humphrey provide information relative to municipalities that contract with other municipalities for fire services.

It was the consensus of the Commission that any action on this item be deferred until the final report has been delivered.

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The meeting was recessed at 6:31 P.M. and reconvened at 6:42 P.M.

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ANNEXATION POLICY

County Administrator Stephen M. Spratt conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record. He provided charter history related to

September 19, 2005

annexation; defined important terms; gave statistical data regarding annexations; cited three recent cases illustrating problems with the current charter authority, including comments received from property and business owners protesting annexation of their property; and described the concept of unincorporated conservation areas.

Responding to queries by the members, Mr. Spratt explained the *non-referendum referendum* annexation, whereby an area having no registered electors can be annexed pursuant to a request by 51 percent of the property owners and representing 51 percent of the acreage within the area to be annexed, and discussion ensued. Mr. Wilson requested that Mr. Spratt repeat his presentation at the October 11 meeting with the Legislative Delegation.

Responding to the Chairman's call for persons wishing to be heard, the following individuals stated their views and responded to queries by the members:

Wesley C. Snipes, Clearwater
Art Hebert, Largo
Ray Neri, Lealman
Betty Bootier
James Morton
Albert "Al" Estes, Sr.
Mayor Robert Jackson, City of Largo
Bill Babcock, Evatone
Carl Evans, Evatone
Albert Redman, Unincorporated Seminole
Lena Acheson, Lealman
Jere Beauchamp
Barbara Bailey, M.O. Precision
Francois Bootier
Dot Miller
Carl G. Maier
Mayor Jerry Beverland, City of Oldsmar
William Israel, Pasadena Golf Club Estates
Mayor William Mischler, City of Pinellas Park

Referring to allegations regarding actions of City of Largo employees, Senator Sebesta stated for the record that he thinks Largo is a great city; that he finds Mayor Jackson to be a man of very high esteem; that if any chicanery is going on in Largo, he does not believe Mayor Jackson is aware of it; and that, regardless of any action taken by the CRC, he will look into the *non-referendum referendum* annexation process governed by Chapter 171, Florida Statutes.

During discussion, Mr. Bryan stated that if Mr. Spratt is going to make his annexation presentation before the Legislative Delegation, he would like to have a presentation by

September 19, 2005

the Pinellas Planning Council or someone representing the interests of the cities, and Mr. Harrell concurred; whereupon, Chairman Bomstein indicated that the purpose is to present the facts, not have a debate; and that he will take the matter into consideration. Mr. Harrell queried whether an alternative might exist that could address the problem areas rather than a change to general law or a special act which puts the power into the hands of the BCC; and in response, Attorney Churuti noted that a special act could delegate the authority to address the matter under the charter; and that the specific wording could be decided at a later time. Following a request by Mr. Bryan that the cities be given an opportunity to provide input regarding changes to annexation laws, Chairman Bomstein pointed out that tonight's meeting was well publicized; that several mayors are in attendance; and that the Council of Mayors has indicated an unwillingness to work with the CRC on annexation issues.

Responding to query by Ms. Cole regarding the proposed Community Preservation Act, Chief Assistant County Attorney James L. Bennett referred to the minutes of the August 1, 2005 CRC meeting and clarified that the draft legislation presents the preservation area concept; and that the means of determining areas to be preserved and other considerations such as time limits will require further discussion by the CRC.

Discussion continued regarding the recommendations to be made to the Legislative Delegation; whereupon, it was the consensus of the members that the CRC will convene at 3:00 P.M. on October 11 in preparation for the 5:00 session with the Delegation; and that the County Attorney's Office will prepare and distribute to the CRC draft legislation to address the issues of notification to property owners of a city's intention to annex, annexation incentives, length of time between an unsuccessful annexation attempt and re-solicitation, voting rights for annexation of commercial, industrial, and government-owned property, and community preservation areas for residential and commercial property. Responding to query by Mr. Kwall, Attorney Churuti cautioned that the members are not allowed to communicate among themselves outside of published meetings; and stated that all comments should be submitted to Mr. Spitzer for recording and distribution.

ADJOURNMENT

Chairman Bomstein announced that the October 11 meeting will begin at 3:00 P.M. at the Young-Rainey STAR Center, 7887 Bryan Dairy Road; whereupon, there being no objection, the meeting was adjourned at 9:22 P.M.

Clearwater, Florida, August 15, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 5:05 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Karen Burns
James F. Coats, Sheriff
Katie Cole
Robert C. Decker
George Jirotko
Louis Kwall
Roger Wilson

Late Arrivals:

Roy Harrell
Susan Latvala, County Commissioner
Jim Sebesta, State Senator

Absent:

John Bryan, City of St. Petersburg Councilmember

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc.
Mark Curfman, MGT of America, Inc.
Other interested individuals
MaryAnn Penhale, Deputy Clerk

August 15, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. MGT – Updates
 - Fire Services Study
 - Building Services Study
4. Items Continued from August 1st
 - Non-Partisan Election of Supervisor
 - Manager’s Authority to Terminate Senior Staff
 - Annexation Policy
5. Future Calendar
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and confirmed the presence of a quorum; whereupon, he noted that Mr. Bryan would not be in attendance; and that Senator Sebesta, Commissioner Latvala, and Mr. Harrell are not yet present.

MINUTES OF MEETING OF AUGUST 1, 2005 – APPROVED

Upon presentation of the minutes of the meeting of August 1, 2005 by Chairman Bomstein, Ms. Cole confirmed that she had rejoined the meeting via telephone at the time of the recess and had remained in attendance until the end of the meeting.

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At this time, 5:07 P.M., Senator Sebesta entered the meeting.

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Thereupon, Chairman Bomstein noted the absence of other comments; and indicated that the minutes are approved as submitted with the aforementioned amendment.

August 15, 2005

MGT UPDATES

Fire Services Study

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., stated that an in-depth report regarding fire and fire service rescue had been presented at the meeting of August 1; that surveys have been received from many of the fire departments; that additional contacts will be made this week to seek any further input; that staff has had the opportunity to speak to each of the fire chiefs; and that work on the study continues to move forward.

Building Services Study

Mr. Humphrey stated that the building services study is intended to be an update of previous studies conducted in 1992 and 1998; and that a draft report is expected to be available by the end of the month.

Mark Curfman, MGT of America, Inc., indicated that the three main areas targeted in the study are building inspection services, code enforcement, and development services; that building inspection encompasses building permits for items such as new homes, additions and decks, the evaluation of those permits and associated plans, and the inspection of the new homes, additions and decks; that code enforcement relates to such issues as the façade of a building, tall grass or weeds, or the parking of cars, recreational vehicles or boats in side or front yards; and that the development services element relates to new development or redevelopment, such as the demolition of an old building and construction of a new one, or the building of a new structure on a vacant lot. Referring to procedural matters, he indicated that staff has reviewed services provided by the county and by the 24 municipalities; and that a survey had been sent to all municipalities.

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At this time, 5:13 P.M., Mr. Harrell entered the meeting.

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Mr. Curfman stated that work volume regarding the number of permits, inspections and land development parcels is included in the baseline of the study; that the baseline has been analyzed against the previous 1992 study; and that the analysis and interviews conducted with county personnel have resulted in the formation of preliminary findings and recommendations.

August 15, 2005

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At this time, 5:15 P.M., Commissioner Latvala entered the meeting.

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Mr. Curfman referred to a document titled *Pinellas Charter Review Commission – Building, Code Enforcement, Development Services*, a copy of which has been filed and made a part of the record, and summarized the following preliminary findings:

- Very little consolidation of services in development, code enforcement and building services, and little cooperation between municipalities and county, except for six municipalities that have contracts with the county to provide building inspection services.
- Differing levels of service for various jurisdictions in the county.
- Widely disparate applications of technology being used within all 24 municipalities.
- Different code standards and code enforcement strategies within the county.

Responding to queries by Senator Sebesta, Mr. Curfman discussed the differences in codes between the cities as well as the varying levels of enforcement; whereupon, Chairman Bomstein provided input regarding the state building code, the differences in local ordinances, and code enforcement issues.

Referring to the preliminary recommendation, Mr. Curfman stated that the Pinellas County Building Department should continue implementation of Accela's PERMITS Plus automation tools and central database for land management, and building permitting and inspections; whereupon, he provided a brief description of the technology and the numerous types of information that reside in the database; and stated that the permitting process will be online; and that inspections will be accomplished electronically through the use of tablet PCs and wireless transmission of information to the county database. Responding to queries by Chairman Bomstein and the members, he indicated that the county has purchased the system and is currently in a testing phase; that it is not yet available online; that the system could be accessed by the municipalities; that the six municipalities which contract with the county for inspection services constitute a minor

August 15, 2005

percentage of the total number of permits; that he will provide additional information regarding the number of permits as requested by Ms. Cole; that city managers and zoning officers had been consulted; that there was no recurring theme of requests for assistance by the county from the cities; and that differentiations in the application in flood zones and rebuilding issues had not been explored in depth.

Mr. Curfman also recommended that smaller and mid-sized municipalities consolidate their services at the county level; that larger municipalities utilize the county's database and technology; and that substantial savings could be achieved across the board. Responding to a query by John Hipp from the audience, Chairman Bomstein directed that Mr. Hipp discuss his concerns with Mr. Curfman or Mr. Spratt after the meeting.

Mr. Curfman also recommended utilization of a neighborhood code compliance district, which would involve a minimum set of standards that would be enforced across the county while allowing for individual differences in various neighborhoods and districts. Responding to queries by the members, Mr. Curfman indicated that other counties around the country have incorporated the neighborhood code compliance district into their charters; and that one minimum standard would apply across the board.

Responding to queries by Chairman Bomstein, Mr. Humphrey indicated that the draft report will outline the proposed recommendations and costs associated with implementation, an approximate timeline, legal considerations, and projected staffing requirements; and Mr. Spratt related that the Accella system has the expansion capability for interoperability with other users; whereupon, discussion ensued regarding the possible use of the county's technology services by the municipalities.

Chairman Bomstein indicated that he would take two questions from the audience; whereupon, in response to query by Marsha Young, Tierra Verde, Mr. Curfman indicated that the proposed minimum standards would not affect deed-restricted communities. City of Pinellas Park Mayor William F. Mischler related that the city is already conducting computerized building and fire inspections for the Town of Kenneth City.

Responding to query by Mr. Wilson, Mr. Humphrey confirmed that the fire report would address mutual aid activity and other issues.

August 15, 2005

ITEMS CONTINUED FROM AUGUST 1, 2005

Non-Partisan Election of Supervisor

Chairman Bomstein referred to discussion at the meeting of August 1; and indicated that he had requested the vote be postponed at that time because there were so few members present and there had been issues involving telephone connections; whereupon, he advised the members that Supervisor of Elections Deborah Clark was not able to be present tonight; and that she had requested that the vote be deferred until she could be in attendance.

Following discussion, Mr. Jirotko removed the item from the table; whereupon, Chairman Bomstein stated that no second is required; and that the item is off the table and available for action if the members so choose. During the ensuing discussion, the members offered the following input:

- Senator Sebesta indicated that if the non-partisan route were chosen, it would not be enough to “say” the office is non-partisan. It would be necessary to add some “teeth” to the amendment by including a requirement that the office be “run” in a non-partisan manner.
- Chairman Bomstein referenced discussion regarding filing fees at the last meeting and stated that the filing fee is six percent of the annual salary; and that two percent would be sent to the state political party.
- Mr. Kwall indicated that he thinks it is naïve to believe anyone is non-partisan; and that he sees no reason to change the existing status.
- Ms. Burns stated that she believes there is value to the position being non-partisan from a perception standpoint and because of the confidence voters have in the non-partisan running of an election.
- Sheriff Coats suggested better education of the public and indicated that the Supervisor of Elections can qualify by petition.

August 15, 2005

- Ms. Burns stated that the Governor's Commission had been in favor of the non-partisan status.
- Attorney Churuti stated that the Governor's Commission had recommended a statewide law change to make all supervisors simultaneously non-partisan as opposed to counties having supervisors with differing status.
- Mr. Harrell suggested that there is a possibility that making the supervisor position non-partisan might be helpful and questioned why it should not then be done.

Thereupon, Mr. Jirotko requested that the Chairman call the question; and indicated that he had made the motion at the last meeting to leave the supervisor status as is.

Chairman Bomstein indicated that the motion was to take no action on the item which would leave the Supervisor of Elections position partisan as it currently is; whereupon, he called for the vote by a show of hands; and announced a tie vote of 6 to 6, with the Chairman, Ms. Burns, Ms. Cole, Mr. Davis, Mr. Decker, and Mr. Harrell casting the dissenting votes. Chairman Bomstein noted that the motion failed; whereupon, Mr. Harrell indicated that it would be helpful to have additional information as to the requirement of conducting elections in a non-partisan manner; and Attorney Churuti briefly summarized previously presented options regarding making the office non-partisan.

Thereupon, Chairman Bomstein indicated that with the commission's concurrence, the item will be left dormant for the present time; and that if Ms. Clark would like to address the commission and if the members wish to revisit the matter, they are free to do so.

Manager's Authority to Terminate Senior Staff

Mr. Spitzer referred to two versions of the amendment regarding the County Administrator's employment powers, one being the Charter Amendment #4 which was rejected by the voters in November 2004, and the other being a revision to the same article of the charter which attempts to accomplish the same thing using slightly different wording.

Mr. Spratt stated that the threshold question is whether the commission wants government to exercise good management practices; that individuals with responsibility need to have authority; that having a legislative branch determining whether senior staff

August 15, 2005

can be terminated represents a misplaced priority and responsibility; that the board had agreed to delegate this authority to him when he was hired; that the language on the ballot was confusing and misinterpreted; that the proposed revised language is clear; and that he still maintains the position that the county commission should delegate the aforementioned types of decisions to the chief executive.

Mr. Bomstein reviewed the language in the ballot amendment presented to the voters in November 2004 as well as the proposed revision; and noted that the revised wording provides a more explicit explanation of what will be accomplished by adoption of the amendment.

Thereupon, Mr. Harrell moved, seconded by Senator Sebesta, that the revised language be approved. During discussion, Mr. Kwall stated that there is no reason for the proposed amendment inasmuch as the county commission has already delegated this authority to the county administrator; whereupon, he pointed out that the voters had overwhelmingly rejected the amendment in the November 2004 election. Sheriff Coats stated that the proposed change would subscribe to good business management practices; and Senator Sebesta indicated that the previous ballot wording had been confusing. Mr. Davis related that he had previously voted against the item; that he disagreed with the references made regarding good management practices; and that chief executive officers in companies are not allowed to fire personnel one level down without board oversight; whereupon, alluding to the November 2004 election results, he expressed concerns regarding how many times an issue is to be reworded and presented again to the voters. Discussion ensued; and in response to query by Ms. Burns, Attorney Churuti briefly described state and federal whistleblower statute protections for employees. Replying to a question by Mr. Wilson, Mr. Spratt described the process related to civil service workers under the Unified Personnel System. Additional deliberations continued; and Attorney Churuti and Mr. Spitzer presented input regarding the practices of other charter counties; whereupon, Mayor Mischler offered his views and indicated that the board should stay completely out of the hiring process.

Following additional discussion, the motion carried by a vote of 10 to 2, with Messrs. Davis and Kwall casting the dissenting votes.

Annexation Policy

Chairman Bomstein related that Councilmember Bryan had requested to be present for the vote regarding the annexation policy; that in-depth discussion of the policy had taken place at the last meeting; that when he had attended the Mayors' Council luncheon, the mayors expressed deep concerns regarding the issue; and that the mayors feel any change

August 15, 2005

in the annexation policy represents an infringement on the home rule of the individual cities.

Mr. Harrell indicated that he thought it was inappropriate to have a vote regarding the policy at the present time inasmuch as Councilmember Bryan is the only city representative on the commission; whereupon, discussion ensued regarding a proposed timetable and the schedule of upcoming meetings. Chairman Bomstein reviewed a portion of the minutes of the meeting of August 1, 2005, a copy of which has been filed and made a part of the record, and summarized information provided by Attorney Bennett regarding annexation policy. Mr. Jirotko expressed concerns regarding another type of annexation involving an industrial area where there are property owners but no voters involved; and Attorney Bennett indicated that the proposed resolution would address all forms of referendum annexations including the aforementioned type.

Responding to the Chairman's call for persons wishing to speak, Mayor Mischler alluded to a temporary deferral of the matter; and requested that a room of ample size be utilized to accommodate the number of attendees expected, rather than the Swisher Building conference room.

Following discussion, Mr. Kwall moved, seconded by Mr. Wilson, that the recommendation for the three proposals set forth by Attorney Bennett be adopted. Responding to query by Mr. Wilson, Attorney Churuti indicated that the preserve concept does involve the legislature; and that the third concept of key definitions does not require legislative action. Responding to query by Ms. Cole, Mr. Kwall clarified that his motion encompasses all three concepts, A.i, A.ii, and A.iii, which were presented at the August 1 meeting.

Following discussion, Senator Sebesta moved that the matter be tabled; and Chairman Bomstein indicated that the item would be continued to the meeting of September 19; and that consideration will be given to selecting an appropriate venue to accommodate the number of people expected to attend.

FUTURE CALENDAR

Mr. Spitzer stated that meetings have been scheduled for September 19, October 11 (with the legislative delegation), October 17, November 7, and November 21; whereupon, Chairman Bomstein indicated that he would like to adjourn after the last November meeting and not reconvene until or unless it is necessary in 2006.

August 15, 2005

OTHER BUSINESS

Senator Sebesta indicated that he had received a telephone call earlier today regarding the Office of Program Policy Analysis and Government Accountability (OPPAGA) study; that a countywide bus service which would have included five more municipalities and some unincorporated areas involves a very small area; that the Pinellas Suncoast Transit Authority (PSTA) Board will not pursue the matter for another five years; that OPPAGA does not intend to comment regarding the matter of increasing the size of the PSTA board by four members; and that the draft report is expected to be available in approximately ten days; whereupon, Commissioner Deborah Kynes, City of Dunedin, Chairperson of the PSTA, added input regarding matters that are within the purview of OPPAGA; and confirmed that the draft report is expected to be completed by the beginning of next week. Chairman Bomstein indicated that previous action taken by the commission regarding the matter will be ascertained; and that the item will be added to a list of matters to be addressed with the legislative delegation on October 11.

Chairman Bomstein and Mr. Spitzer indicated that annexation, a fire report update, and the issue of a centralized location for growth information would be addressed at the next meeting.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 6:50 P.M.

Clearwater, Florida, August 1, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:07 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Katie Cole (via telephone)
George Jirotko
Roger Wilson

Late Arrivals:

Ricardo Davis, Vice-Chairman
Karen Burns (via telephone)
Robert C. Decker

Absent:

Jim Sebesta, State Senator
James F. Coats, Sheriff
Roy Harrell
Louis Kwall

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
Cathy Fickley, Deputy Clerk

August 1, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. Family Day Care Centers
4. MGT – Preliminary Findings
 - Steve Humphrey
5. Non-Partisan Election of Supervisor
 - Deborah Clark
6. Manager's Authority to Terminate Senior Staff
 - Steve Spratt
7. Annexation Policy
 - Steve Spratt
 - Jim Bennett
8. Other Business
9. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the lack of a quorum. He confirmed that Senator Sebesta, Sheriff Coats, Mr. Harrell and Mr. Kwall would not be in attendance; and that Ms. Burns and Ms. Cole would be in attendance via telephone conference call.

MINUTES OF MEETING OF JULY 18, 2005 – TEMPORARILY DEFERRED

Chairman Bomstein referred to the minutes of the meeting of July 18, 2005, and indicated that the minutes could not be approved due to the lack of a quorum.

MGT OF AMERICA, INC. SCOPE OF SERVICES

Deviating from the agenda, Chairman Bomstein indicated that the Family Day Care Centers presentation has been moved to later in the meeting at the request of the representative; and requested that agenda Item No. 4, MGT Preliminary Findings, be heard at this time.

August 1, 2005

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., provided background information and an update of the fire and fire service rescue study; and indicated that the data collection is almost finished; that the fire chiefs and/or representatives have been interviewed; that approximately half of the surveys distributed to the fire chiefs have been returned; and that a 911 dispatch system data extraction has been completed. Referring to a PowerPoint presentation titled *Fire and Fire Rescue Service Study, Findings and Issues*, a copy of which has been filed and made a part of the record, he described various documents and agreements associated with the operation of Fire and Emergency Medical Services (EMS); presented an overview of the system and operating budget which encompasses the cities, fire districts, and the county; and related that the unincorporated county performance requirement is below the national standard of five minutes response time. Following an overview of the Sunstar Services system and a review of dispatch events, Mr. Humphrey provided the following preliminary findings and observations:

- Current fire/EMS system is highly effective but there is substantial duplication of response requiring significant resources.
- Basic life support response (BLS) is equally as effective as advanced life support (ALS) response in patient survivability.
- Service is provided by 20 fire jurisdictions plus county ambulance service.
- Centralized planning and system management of fire and rescue services is lacking or fragmented.
- Tensions exist between County Administration and the Fire Chiefs' Association.

* * * *

At this time, 5:33 P.M., Katie Cole left the meeting.

* * * *

Mr. Humphrey referred to the following primary and secondary issues to be explored in the study process:

- determine needed versus actual
- priority dispatch
- ALS versus BLS response
- modifications to the building code

August 1, 2005

- ambulance controls for traffic signals
- countywide fire training curriculum
- review of run cards
- creation of a public safety organization

Mr. Humphrey indicated that research continues; that it is his hope that a report will be finalized in draft form by the end of August; and that report presentations will be scheduled with the study participants thereafter.

During discussion, Mr. Wilson suggested that mutual aid activity be displayed geographically or by district in an effort to determine where each agency is responding; and Chief James Angle, Palm Harbor Fire Rescue, indicated that the Fire Chiefs' Association will prepare a report responding to MGT's findings; that the tension between the County Administrator and various agencies resides at the administrative level and does not affect street operations; and that fire and rescue services escalated in 2004 due to Hurricanes Charlie, Frances and Jean.

During further discussion, Chairman Bomstein requested clarification pertaining to the interaction of roles between the various fire chiefs and the county with regard to staffing; whereupon, C. T. "Chuck" Kearns, Director of Emergency Medical Services and Fire Administration, indicated that the county utilizes a fixed price contract to purchase a paramedic from each fire department to serve on the first response vehicles; that each fire department determines the number of EMTs and paramedics required; that the county has a performance-based contract with Sunstar; that user fees fund the Sunstar revenue stream; and that fire rescue government agencies are funded through taxes.

In response to queries by Mr. Decker pertaining to the availability of infrastructure for system analysis, Mr. Humphrey indicated that a management information system would need to be created; that significant input would be required from the fire chiefs and fire departments; and that the location of the proposed system would have to be determined; whereupon, Mr. Spratt opined that the county has more control and authority over the EMS system; and that the amount of control is not quite as significant in the area of fire service.

Following further discussion, Attorney Churuti suggested that Mr. Humphrey present his findings following completion of the study; that the CRC members make a decision as to the type of system that would be appropriate; and that staff would then address the system's structural issues.

August 1, 2005

NON-PARTISAN ELECTION OF SUPERVISOR (SOE)

Ms. Burns referred to a document distributed to the members titled *Non-Partisan Election of the Supervisor of Elections*, a copy of which has been filed and made a part of the record, and cited various studies undertaken that reveal broad support for the SOE position to be elected on a non-partisan basis. She related that the League of Women Voters (LWV) has long supported a non-partisan SOE and management of the election system; whereupon, she deferred to Dianne Wheatley Giliotti.

Chairman Bomstein invited Supervisor of Elections Deborah B. Clark to address the CRC; whereupon, Ms. Clark thanked the members for their time and service on the commission. Alluding to a major election reform by the state in 2001 that is ongoing today, Ms. Clark related that statewide procedures and increased oversight by the state has mandated every elections supervisor to follow the same procedures, thereby making the non-partisan issue almost a non-issue; whereupon, she pointed out that the most important issue is that the constitutional officers remain independent in order to be able to perform their jobs fairly and effectively.

Florida League of Women Voters President Dianne Wheatley Giliotti provided historical background information pertaining to the LWV; whereupon, she described several occasions in which the legislature had the opportunity to include the issue of non-partisan SOE on a statewide basis in legislation, but chose not to do so. She related that the LWV enjoys a close working relationship with Ms. Clark; and that the 2000 election ran well in Pinellas County due to Ms. Clark's efforts. Ms. Giliotti suggested that the voters may have more confidence that their votes are being counted if the SOE is elected on a non-partisan basis; and that the LWV would volunteer its services to educate the voters in an effort to pass a referendum in that regard.

Michael Gilson, Election Reform Coalition of Pinellas County (ERCPC), related that the ERCPC is a coalition approved by the executive committees of the Libertarian, Green and Democratic Parties; that the coalition is available as a resource for the CRC; that the coalition has recently held hearings to address voter concerns; that a summary report of the findings can be viewed at the coalition's website; and that Ms. Clark's office has been very cooperative in sharing information with the coalition. In response to query by the Chairman, Mr. Gilson indicated that the coalition is supportive of the non-partisan SOE position as well as an advisory board for the SOE.

Tony DiMatteo, Republican Party Chairman, indicated that the purpose of the CRC is not to muddy the waters by making partisan elections non-partisan; and that the voters should be educated and given information in that regard; whereupon, Mr. Jirotko moved, seconded by Commissioner Latvala, to keep the SOE a partisan office. Discussion ensued wherein Attorney Churuti indicated that a quorum was present; whereupon, Ms.

August 1, 2005

Burns requested that the issue be deferred until Ms. Cole could be in attendance to vote on the item.

During further discussion, Mr. Davis reiterated that the voters should have the opportunity to decide the issue; whereupon, Mr. Wilson stated that it was the responsibility of the CRC to use its best judgment in filtering the information presented. Mr. Decker requested additional information regarding abolishment of the SOE constitutional officer status; whereupon, Attorney Churuti discussed the charter language as it relates to the status, powers and duties of the position, and provided an overview of the various methods that could be utilized to abolish the SOE constitutional officer status and the potential legal ramifications. Chairman Bomstein stated that discussion of the issue has merit due to the independence required of the SOE position.

Discussion continued, and in response to queries by Councilmember Bryan, Mr. Spitzer related that there are six Supervisors of Elections in charter counties that are elected on a non-partisan basis; and that staff will provide a report clarifying how the SOE filing fee is disbursed; whereupon, Ms. Clark expressed her concern with regard to the limitations imposed upon non-partisan SOE positions.

Vollie D. Riskin, St. Petersburg League of Women Voters Co-President, reiterated that Ms. Clark does an outstanding job; but that the perception of a non-partisan SOE would help to restore public confidence in the position.

Chairman Bomstein requested that Mr. Jirotko defer his motion until the meeting of August 15 in order to have more members in attendance for the vote; and Mr. Jirotko and the seconder of the motion concurred.

* * * *

At the direction of the Chairman, there being no objection, the meeting was recessed at 6:52 P.M., and reconvened at 7:00 P.M.

* * * *

FAMILY DAY CARE CENTERS

Deviating from the agenda, Chairman Bomstein indicated that due to time constraints, Item No. 5, Manager's Authority to Terminate, will be deferred to a future meeting; and no objections were noted.

Sondra Harper, Florida Family Child Care Home Association, Inc. Representative, distributed a packet of information, a copy of which has been filed and made a part of the

August 1, 2005

record, and related that the License Board for Children's Center and Family Day Care Homes establishes the rules and regulations for licensed child care providers in the county; that licensing regulations are more stringent than any other county in the state; and that child care providers are limited to caring for five children, regardless of their ages. She discussed issues of concern pertaining to the food program funding cut, the License Board budget, and proposed License Board policy deletions; whereupon, in response to query by Councilmember Bryan, Attorney Churuti indicated that Executive Director Linda Tamanini had previously addressed the CRC.

Thereupon, Chairman Bomstein requested that staff review Ms. Harper's comments and report if any of the issues can be addressed by the CRC.

ANNEXATION POLICY

Chairman Bomstein related that he has been invited to attend the upcoming Council of Mayors meeting; and that Mr. Bennett will also attend in the event that any legal questions may arise.

Mr. Bennett provided a review of his previous annexation presentation; whereupon, he referred to a packet of information, a copy of which has been filed and made a part of the record. He distributed a proposed resolution marked Aiii (corrected) and explained the revisions; whereupon, he pointed out that the informational packet had been prepared at the request of the CRC, in response to queries by Mr. Wilson.

Mr. Bennett referred to Attachment A.i and related that the proposed resolution would amend the Charter to provide a method to gain home rule over all annexation issues; and that it would require either a special act or a change in the general law, both of which require legislative action. Referring to Attachment A.ii, Mr. Bennett explained that the proposed general law change would grant the Board of County Commissioners (BCC) authority to determine which areas remain unincorporated in order to preserve control over county facilities and create preservation areas that could not be annexed; that the BCC would decide which approach to take with regard to requests for preservation by unincorporated communities; and that the BCC would have the authority to declare an unincorporated area a preservation area without input by the citizens unless directed otherwise by the CRC. Mr. Bennett indicated that Attachment A.iii, the corrected proposed resolution, delineates key definitions provided in Ordinance No. 00-63 pertaining to what can be annexed in incorporated and unincorporated areas; whereupon, he provided brief historical background information regarding the rejection of the proposed criteria by the Pinellas Planning Council.

August 1, 2005

Mr. Spratt stated that in his opinion, adding the aforementioned criteria to the Charter is not a good idea; whereupon, he offered the following suggestions to secure full home rule:

- Acknowledge current authority re management of voluntary annexation.
- Manage all annexation.
- Define unincorporated communities that wish to be preserved.

In response to the Chairman's call, the following individuals appeared and expressed their concerns:

Mayor Jerry Beverland, City of Oldsmar, indicated that the mayors represent two-thirds of county voters; that they want to have input regarding the annexation issue; and that they will prepare a report following discussions.

Mayor Robert E. Jackson, City of Largo, provided historical background information pertaining to annexation of boundaries; and related that the City of Largo does not force citizens to annex in order to receive services.

Mayor Dottie Reeder, City of Seminole, related that the Florida League of Cities and the Florida Association of Counties have been working with Senator Constantine regarding legislation that would authorize the county and city to negotiate all aspects of annexation.

Mayor Rick Baker, City of St. Petersburg, pointed out that Pinellas Assembly recommendations moved forward only if the cities and the county were in agreement. At the request of Attorney Churuti, Assistant County Administrator Elithia V. Stanfield provided clarification and stated that the Mayors Council did not agree with the Annexation Task Force recommendation; whereupon, Mr. Bennett acknowledged that the task force made the recommendation.

Thereupon, Mayor Baker urged the CRC to give careful consideration prior to moving forward with a recommendation due to the complexities of the issue.

Bill Foster, Pinellas Planning Council (PPC) Chairman, requested clarification from Mr. Spratt with regard to the removal of the Charter referendum item pertaining to annexation criteria; whereupon, Mr. Spratt related that it was never his intention to recommend inclusion of the criteria in the Charter. Mr. Foster indicated that in his opinion, the process is working; that the PPC and BCC are working well together in resolving guidelines for Ordinance 00-63; and that he would encourage a joint meeting with the PPC and CRC should additional clarification of the issues be required.

August 1, 2005

Alluding to the upcoming legislative delegation meeting, Chairman Bomstein suggested that the meeting be deferred to October in order to conclude the fire study report; whereupon, Ms. Stanfield provided information relative to the delegation's meeting schedule. In response to query by Mr. Jirotko, the Chairman indicated that CRC meetings are currently scheduled for August 15 and September 19; and that an October date will be selected.

Discussion ensued pertaining to preservation areas, and Mr. Wilson commented that he has been approached by citizens who have been asked to annex on three different occasions; that the citizens are not interested in annexing; and that the creation of a preservation area would ensure that they would not be approached again; whereupon, during further discussion, Commissioner Latvala stated for the record that citizens from the Seminole area have been approached to annex two or three times.

Thereupon, Mark Ely, City of Seminole City Planner, provided input pertaining to the city's annexation process; and indicated that the city waits the mandated two years prior to approaching citizens to annex again; whereupon, Ray Neri, Lealman, pointed out that boundary lines can overlap as a result of annexation by referendum and, as a result, some citizens have been approached to annex on three different occasions.

Chairman Bomstein noted that the issue would be re-agendaed.

OTHER BUSINESS

Commissioner Deborah Kynes, City of Dunedin, Chairperson of the Pinellas Suncoast Transit Authority, reported for the record that the Office of Program Policy Analysis and Government Accountability (OPPAGA) study was scheduled to be received by the end of July or the beginning of August; and that the study has not been received to date.

Chairman Bomstein requested input regarding moving the legislative delegation meeting to October; and no objections were noted.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 7:59 P.M.

Clearwater, Florida, July 18, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater, at 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
James F. Coats, Sheriff
Karen Burns
Katie Cole
Robert C. Decker
George Jirotko
Louis Kwall
Roger Wilson

Absent:

Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Roy Harrell

Also Present:

Ken Burke, Clerk of the Circuit Court
Diane Nelson, Tax Collector
Jim Smith, Property Appraiser
Ronnie E. Duncan, County Commissioner
Susan H. Churuti, County Attorney
Dennis R. Long, Senior Assistant County Attorney
Sarah Richardson, Senior Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
J. Keith Wicks, Assistant County Administrator
C. T. Kearns, Director of Emergency Medical Services &
Fire Administration
David P. Healey, Executive Director, Pinellas Planning Council
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., MGT of America, Inc.
Arlene L. Smitke, Deputy Clerk
Other interested individuals

July 18, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. MGT Progress Report
4. Continued Overview of CRC Issues
 - Other Subjects for Consideration
 - Future Calendar
5. Preliminary Recommendations
 - a. Annexation
 - b. Technical Revisions
 - c. Special Districts
 - d. Process Amendment
 - e. Future Charter Review Commissions
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum; whereupon, he related that Commissioner Latvala and Mr. Harrell will not be attending tonight's meeting.

MINUTES OF MEETING OF JUNE 20, 2005 – APPROVED AS AMENDED

Chairman Bomstein referred to the minutes of the June 20, 2005 meeting; called attention to page seven, paragraph three; and clarified that the 1998 ballot question was to create a seven-member Board of County Commissioners comprised of four members from single-member districts and three members at large; whereupon, Senator Sebesta moved, seconded by Mr. Kwall and carried; that the minutes be approved as amended.

MGT OF AMERICA PROGRESS REPORT

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, presented the third progress report with regard to the Fire/EMS Services review and the Building/Zoning/Code

July 18, 2005

Enforcement update, which has been filed and made a part of the record. He indicated that interviews have been conducted with all of the fire chiefs; that each department or district has unique issues to consider; that nearly all of the questionnaires have been returned by the departments; that he has requested 9-1-1 information from the Emergency Medical Services (EMS) & Fire Administration and will meet with Mr. Kearns tomorrow to discuss the scope of his request; and that data is being compiled regarding operating costs, which will be forwarded along with Computer-Aided Dispatch (CAD) data to the Fire Chief's Association for review.

Referring to the timeline, Mr. Humphrey indicated that he will present the findings of the Fire/EMS review, including legal issues to be addressed, at the August 1 CRC meeting in preparation for the August 15 meeting with the Legislative Delegation; that the final report, including recommendations, will be completed in late August or early September; and that survey responses are being compiled for the Building/Zoning/Code Enforcement study, with delivery of the final report projected for August 15.

EMS & Fire Administration Director Kearns indicated that his department has been asked to provide information to MGT regarding the following issues and reported on progress to date.

- ▶ Funding equity and alternatives
- ▶ Water supply for fire protection
- ▶ Traffic considerations
- ▶ Public education

Mr. Kearns thanked the Fire Chief's Association, which has appointed a subcommittee to work with his staff regarding hydrant and water flow issues.

* * * *

Deviating from the agenda, Chairman Bomstein acknowledged guests in attendance including Clerk of the Circuit Court Ken Burke, Tax Collector Diane Nelson, Property Appraiser Jim Smith, Commissioner Ronnie E. Duncan, and Assistant County Administrator J. Keith Wicks; whereupon, in response to query by Ms. Burns, he related that Supervisor of Elections Deborah L. Clark will attend the August 1 meeting to address the issue of non-partisan designation of the office.

* * * *

July 18, 2005

CONTINUED OVERVIEW OF CRC STATUS AND ISSUES

Other Subjects for Consideration

Mr. Spitzer referred to his memorandum dated July 14, 2005, a copy of which has been filed and made a part of the record, and called attention to a table containing information on practices in other charter counties regarding the adoption of ordinances by petition of the electorate. Responding to queries by the members, Mr. Spitzer indicated that there is no general procedure for ordinances by petition in Florida non-charter counties; and that certain issues such as land use are typically prohibited from citizen-initiated referendum. Following discussion with input by Senior Assistant County Attorney Steg, Chairman Bomstein indicated that the issue would not be carried forward due to lack of interest by the members.

Referring to previous discussions regarding removal of legislative oversight on future amendments concerning county constitutional officers, Mr. Spitzer indicated that proposed language has been included in the agenda package as Attachment D to his memorandum.

Mr. Spitzer reviewed the dual vote requirement for charter amendments authorizing countywide policy, noting that no other Florida charter contains such a provision. Following discussion with input by Attorney Churuti, Mr. Spitzer emphasized that the issue at hand is whether to pursue the adoption of a procedural amendment deleting the requirement for future proposed policy amendments; and that no substantive policy is under consideration at this time; whereupon, Chairman Bomstein noted a consensus of the members to pursue modification of the dual vote requirement; and directed Mr. Spitzer to prepare the appropriate language.

Referring to discussions held by the 2004 CRC, Mr. Spitzer noted that the current charter contains no provision for repeal; and Attorney Churuti related that following an inquiry last year by the CRC of another county, the Attorney General had ruled that a charter could not be repealed unless authority was given to do so at the time of its writing; whereupon, she suggested that the members may wish to pursue a process amendment to provide authorization for future consideration of repeal of the charter. Following discussion, Chairman Bomstein directed that Mr. Spitzer continue to pursue the item; and no objections were noted.

Future Calendar

See Agenda Item No. 6 – Other Business.

July 18, 2005

PRELIMINARY RECOMMENDATIONS

Annexation

Chairman Bomstein announced that discussion of the annexation items will be postponed, as County Administrator Spratt wishes to address them personally. Attorney Churuti clarified that Mr. Spratt had given her permission to review the documents with the members, but had asked that final decisions be delayed until he is present; whereupon, she summarized the documents marked Exhibit A.i, A.ii, and A.iii; responded to queries by the members; and indicated that Mr. Spratt and Chief Assistant County Attorney Bennett can provide further information upon their return from vacation.

Technical Revisions

Referring to the draft amendment marked Attachment B, Attorney Churuti related that she had reviewed the entire charter and identified the following areas in need of revision:

- ▶ Delete reference to motor vehicle inspections - no longer conducted.
- ▶ Delete reference to the Pinellas County Industry Council - abolished by Special Act; BCC sits as Industrial Development Authority.
- ▶ Delete reference to Pinellas Sports Authority – deactivated by Department of Community Affairs.
- ▶ Incorporate name changes on two special fire districts.

In response to queries by Senator Sebesta, Attorney Churuti indicated that the Sports Authority was created to serve as the issuer of bonds for Tropicana Field; that the City of St. Petersburg has taken over the obligation; that the Authority does not meet; and that the local governments are not interested in participation. Referring to the sports authority in Hillsborough County, Senator Sebesta suggested the possible need for an active sports authority in Pinellas County; whereupon, Ms. Cole indicated that the St. Petersburg/Clearwater Area Convention and Visitors Bureau serves as the promotion standpoint for sports in Pinellas County. Chairman Bomstein directed that the County Attorney pursue the technical revisions as presented, and no objections were noted.

Special Districts

Attorney Churuti indicated that Attachment C relates to transfer of the Mosquito Control and Water and Navigation Control special districts from state to local districts; that the

July 18, 2005

County currently has authority in both areas; that a proposed Special Act removes them from the list of districts whose status, duties or responsibilities may not be changed by the charter; and that a 1998 charter amendment granted authority to the CRC to put the items on the ballot.

Chairman Bomstein stated that it is possible some municipalities may have an interest in water and navigation control, which could cause problems with the Legislative Delegation; whereupon, Attorney Churuti indicated that the recommendation is that it remain as a countywide power, but that changes currently requiring legislative permission will be brought under the authority of the BCC. During discussion, Senior Assistant County Attorney Long advised that without the Special Act, it would remain as a defunct special district, similar to the Sports Authority; and Chairman Bomstein stressed the importance of communicating to the Legislative Delegation that it is a technical, not substantive issue.

Responding to query by Mr. Kwall regarding the proposed ordinance adding Section 2.04(u), Attorney Churuti stated that the reference to the Pinellas Sports Authority in Section 2(b) would be left in at this time.

Process Amendment

Attorney Churuti referred to Attachment D, a draft amendment regarding county constitutional officers, and called attention to Section 4.03, which clarifies that the offices shall remain independent; that the powers, duties, and functions will not be changed by the charter; and that the amendment relates only to changes proposed by a future CRC.

Mr. Jirotko related that it was his understanding that the CRC desired removal of legislative oversight *except* in the case of constitutional officers; Attorney Churuti indicated that the Rice Amendment of 1998 had achieved that purpose, and Senior Assistant County Attorney Richardson provided input; whereupon, Ms. Burns expressed the opinion that Pinellas should have as much power as all other counties, including that over constitutional officers.

Following a lengthy discussion with input by the Property Appraiser, Clerk of the Circuit Court, and the Tax Collector, Mr. Spitzer distributed a document titled *Pinellas County Charter Review Commission, July 18, 2005*, a copy of which has been filed and made a part of the record, and reviewed the definition of home rule and the options available to the CRC; whereupon, Senator Sebesta distributed a memorandum dated July 15, 2005 regarding home rule and commented regarding his experience as a constitutional officer in Hillsborough County.

July 18, 2005

Mr. Jirotko moved that the Pinellas County Charter be left unchanged as it relates to the requirement for legislative permission regarding charter amendments concerning constitutional officers; and Senator Sebesta seconded. Following further discussion with additional comments by Messrs. Smith and Burke and upon call for the vote, the motion passed 6 to 4, with Chairman Bomstein, Mr. Davis, Ms. Cole, and Ms. Burns casting the dissenting votes; and the Chairman announced that the matter will not carry forward for further discussion.

Future Charter Review Commissions

Attorney Churuti reviewed Attachment E, a draft amendment regarding future Charter Review Commissions; whereupon, Chairman Bomstein suggested that the establishment date be changed to not later than March 1; noted the additional wording regarding employees of county or local government; and suggested that the Commission discuss the issue of elected officials serving on the CRC.

Referring to earlier comments regarding the perception of BCC influence on the CRC, Ms. Burns pointed out that the members of the Commission are appointed by the BCC; and discussion ensued regarding alternative methods of appointment.

Following further discussion of the proposed CRC timeframe, Chairman Bomstein noted that the issue will be carried forward for further discussion.

OTHER BUSINESS

Future Calendar

Mr. Kwall indicated that he will be unable to attend the next meeting in person or via telephone; and expressed a desire to participate in upcoming votes.

Following discussion of the August 1 agenda, Chairman Bomstein indicated that the Supervisor of Elections is the main focus of the meeting; and that other topics may be postponed if necessary. Responding to query by Mr. Wilson, Mr. Spitzer related that the CRC will report on its activities and discuss recommendations with the Legislative Delegation on August 15.

July 18, 2005

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 7:13 P.M.

Clearwater, Florida, June 20, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Tampa Bay Regional Planning Council Conference Room, Suite 100, 4000 Gateway Centre Boulevard, Pinellas Park at 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
James F. Coats, Sheriff
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Katie Cole
George Jirotko
Louis Kwall
Roger Wilson

Late Arrival:

Susan Latvala, County Commissioner

Absent:

Robert C. Decker
Roy Harrell

Also Present:

Susan H. Churuti, County Attorney
Stephen M. Spratt, County Administrator
D. Gay Lancaster, Chief Assistant County Administrator
Elithia V. Stanfield, Assistant County Administrator
Brian K. Smith, Planning Director
Chris Staubus, Assistant Director, Utilities
David P. Healey, Executive Director, Pinellas Planning Commission
Deborah Kynes, Chairman, Pinellas Suncoast Transit Authority (PSTA)
Board of Directors
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., MGT of America, Inc.
Chief Dan Graves, City of Seminole
Caroline J. Jones, Deputy Clerk
Other interested individuals

June 20, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. MGT Progress Report
4. Supervisor of Elections
5. Overview of CRC Status and Issues
 - Recommendations Pending
 - Other Subjects for Consideration
 - Future Calendar
6. Other Business
7. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum; whereupon, referring to Item No. 4, indicated that Supervisor of Elections Deborah Clark is unable to attend the meeting; and that the item would be deferred to the July 18 CRC meeting.

MINUTES OF MEETING OF MAY 23, 2005 – APPROVED

Upon presentation of the minutes, Councilmember Bryan moved, seconded by Ms. Burns and carried, that the minutes of the May 23, 2005 meeting be approved.

MGT OF AMERICA PROGRESS REPORT

Stephen F. Humphrey, Jr., Senior Partner, MGT of America, presented the second progress report with regard to the Fire/EMS Services review and the Building/Zoning/Code Enforcement update, which has been filed and made a part of the record. Mr. Humphrey indicated that information would be forthcoming from the fire administration Computer-Aided Dispatch (CAD) System that will be shared with the fire chiefs in an effort to identify issues that may not be evident from the existing information. He indicated that the Fire Chief's Association had been asked to review a

June 20, 2005

draft questionnaire which MGT had intended to distribute to each fire department/district soliciting information with regard to issues the fire chiefs would like addressed in the study; that subsequently Chief Angle, on behalf of the Fire Chief's Association, had submitted an e-mail to MGT expressing reservations concerning the questionnaire, advising of the Association's intent to withdraw from the process, and also suggesting that each individual fire chief be asked to speak for their respective department. Mr. Humphrey stated MGT's intent is to go forward with a revised questionnaire which would specifically focus on the five areas outlined in the scope of the study; and indicated that information would be gathered from individual fire chiefs throughout the county; whereupon, he sought consensus from the members.

Mr. Spitzer noted that after receiving a copy of the fire chief's e-mail, he had spoken with Chief Angle who had expressed concerns with the amount of time involved working on the survey and with the methodology of the report.

In response to queries by the members, Mr. Humphrey advised that the questions contained in the survey are specific and relate to operational aspects; that upon completion of the study, a four-chapter report containing precise recommendations will be provided to the CRC; and that delivery of service benchmarks had not been included in the proposal but could be addressed at the time the study is completed.

Commissioner Latvala expressed unease with the study addressing efficiency issues rather than decisions pertaining to governance; whereupon, discussion ensued with regard to the relevance of service and operational recommendations.

Responding to Councilmember Bryan's suggestion that in lieu of a joint meeting with the Legislative Delegation, the CRC compose a document to be submitted to each of the legislators posing specific questions pertaining to its relinquishing authority on certain local issues. Senator Sebesta expressed support of the study and asserted that he would seek consensus from his fellow legislators with regard to its conclusions but opined that any survey of the delegation at this time would prove premature; and in response to an additional query by Councilmember Bryan, indicated that right now his support pertains only to the fire district issue.

In response to queries by Ms. Cole, Mr. Humphrey indicated that the reluctance of the fire chiefs may be related to expectations of an accreditation study; and that not all of the areas that the fire chiefs sought are included in the study scope, although the county administrator's office has agreed to address those issues.

Responding to query by Chairman Bomstein with regard to the County Administrator's role in addressing issues not included in the study, Mr. Spratt indicated that reports will

June 20, 2005

be presented to the CRC on a regular basis; whereupon, Ms. Lancaster expressed concern with the fire communities acceptance of the data generated by county staff.

In response to the Chairman's call for individuals wishing to be heard, City of Seminole Fire Chief Graves noted inconsistencies with the questionnaire and expressed agreement with Chief Angle's recommendation to delegate responses to the individual fire chiefs.

Responding to query by Ms. Cole, Mr. Humphrey indicated that the information furnished by the County will be an appendix to the report; whereupon, Ms. Burns expressed concern that the fire chiefs may perceive the report as lacking and question its validity.

SUPERVISOR OF ELECTIONS – DEFERRED TO JULY 18

OVERVIEW OF CRC STATUS AND ISSUES

Recommendations Pending

Mr. Spitzer presented a summary of the considerations discussed with regard to special districts, boards, and authorities, a copy of which has been filed and made a part of the record, wherein he reported that out of the six districts studied, the Mosquito Control Board and the Water and Navigation Control Authority are dependent districts; and that the CRC has the option of amending the Charter to bring these functions under the Charter itself which would eliminate the need for future amendments to the special act.

Referring to annexation, Mr. Spitzer noted that Pinellas County has one of the few Charters in Florida that contains policy on voluntary annexation wherein the BCC is delegated the power to regulate voluntary annexation; whereupon, he reviewed the options available, which have been filed and made a part of the record:

- Affirm the current policy with regard to voluntary annexations.
- Revise current voluntary annexation policy by adding specificity such as definitions or criteria.
- Referendum Annexation – recommend revisions to state law that would allow an optional process that could be adopted by the voters that would afford the voters the decision as to the extent and manner in which policy concerning referendum annexation could be set locally.

June 20, 2005

Noting the CRC's 2004 recommendation to change the size and composition of the Pinellas Suncoast Transit Authority (PSTA) Board of Directors, Mr. Spitzer reiterated that the proposal had been to add three new members from the BCC and one additional member from the St. Petersburg City Council.

Responding to query by Mr. Davis, Mr. Spitzer indicated that some of the special districts and boards are deemed to be independent and others established by state law and in response to query by Councilmember Bryan, Attorney Churuti advised that the Mosquito Control Board and the Water and Navigation Control Authority are considered defacto county departments and are funded by the general fund, but that any changes to the boards would necessitate legislative support.

Following discussion, Ms. Burns moved, seconded by Mr. Davis and carried, that the Mosquito Control Board be reclassified from a special district to a power of the county; whereupon, Ms. Burns moved, seconded by Mr. Kwall and carried, that the Water and Navigation Control Authority be reclassified from a special district to a power of the county.

Discussion ensued with regard to the ten-mill cap and dependent and independent districts; whereupon, Attorney Churuti advised that two special districts have been abolished and several misnamed; and proposed that the Commission address those issues.

In response to comments by the Chairman, Attorney Churuti provided information with regard to litigation pertaining to a Florida county that had been sued by one of its municipalities over its charter authority; whereupon, responding to additional comments by the members, Administrator Spratt indicated that the charter has been amended to allow the County to manage provisions of voluntary annexation; that his suggestion for amending the charter with regard to annexation would be to address involuntary annexations and the County's authority to exempt portions of its unincorporated areas from annexation; whereupon, he submitted a draft proposal titled *Annexation Proposals to CRC*, a copy of which has been filed and made a part of the record. Mr. Wilson requested that the County Attorney's office review and respond to the proposals set forth by the County Administrator.

During discussion, Senator Sebesta advised that State Senator Dennis Jones has requested an opinion from the Office of Program Policy Analysis and Government Accountability (OPPAGA) concerning the PSTA governance structure; and that he recommends waiting until the findings of that study have been received before proceeding with the matter.

Attorney Churuti advised that Administrator Spratt has contemplated an alternative approach to the PSTA matter by the implementation of a new special district, which in

June 20, 2005

theory would report to the CRC rather than the Legislative Delegation and an amendment would not require a special act. During discussion, Senator Sebesta proposed to draft a constitutional amendment that would eliminate oversight of local issues by the legislature to be placed on the 2006 ballot; whereupon, PSTA Board of Directors' Chairman Deborah Kynes expressed concern with the OPPAGA study's impact on processing proposed legislation.

Following additional discussion, Councilmember Bryan moved to proceed with the amendment to the construction of the PSTA Board of Directors to add three members from the BCC and one member from the St. Petersburg City Council, seconded by Commissioner Latvala; whereupon, at the request of Senator Sebesta, Commissioner Latvala withdrew her second and the Senator seconded the motion. Upon call for the vote, the motion carried unanimously.

Other Subjects for Consideration

Mr. Spitzer referred to his memorandum dated June 17, 2005 titled *Other Policy Options for Consideration*, a copy of which has been filed and made a part of the record, and indicated that the topics contained in the memorandum have been discussed at previous meetings; and requested input from the members. He pointed out that the No. 4 Amendment titled *Ability of the Administrator to Terminate Unclassified Employees* had not passed in 2004, and noted that it may have failed due to improper wording; whereupon, Commissioner Latvala concurred. Discussion ensued with regard to the Chairman's request for input as to whether the members wished to readdress Amendment No. 4 wherein Chief Assistant County Administrator D. Gay Lancaster noted that during her tenure as Interim County Administrator she had experienced extreme difficulty with the issue; and stated that although the BCC has delegated the authority to terminate or discipline exempt staff to the Administrator, the fact that the charter does not clearly reflect that authority can, at times, make it very complex for the Administrator to carry out his duties.

In response to Mr. Wilson's request that the County Attorney rewrite the amendment for the Commission's consideration, Messrs. Davis and Kwall indicated reluctance to place the amendment on the ballot since the voters had rejected it once before; whereupon, Chairman Bomstein reiterated that the County Attorney would draft new wording and along with the original amendment bring it back to the Commission for discussion and consideration at its next meeting.

June 20, 2005

Constitutional Officers/Citizen Initiative

Mr. Spitzer noted the options set forth in his memorandum and asked for the members input; whereupon, Mr. Jirotko asked if a charter provision exists that mandates a minimum voter turn out and a certain percentage of the vote in order for a ballot issue to pass, to which Mr. Spitzer answered in the negative.

Ms. Burns expressed interest in citizens having the ability to adopt an ordinance by petition; whereupon, discussion ensued with regard to the pros and cons of such a rule wherein Mr. Spitzer noted that several charters contain the provision, and that he would prepare a summary of the process and bring it back to the Commission.

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At this time, 6:40 P.M., Commissioner Latvala left the meeting.
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Mr. Wilson asked the members for input with regard to the process for election of county commissioners as it relates to residency requirements, single district members, and district elections. Attorney Churuti advised that the original recommendation to the legislature by the CRC was to increase the BCC to seven members to serve countywide; and that the Legislative Delegation had changed the membership to four countywide and three single-member districts; whereupon, Mr. Davis indicated that he would oppose the re-opening of the single-member district issue. In response to query by Ms. Burns, Chairman Bomstein advised that the voters had been asked whether they wanted the BCC to be a seven-member board; and that the ballot question had not addressed single member districts.

Mr. Spitzer referred to the subject of the CRC and offered the following subjects that could be addressed by the members:

- Frequency of convening the CRC
- Duration of session
- Appointment process
- Composition of commission

Discussion ensued with regard to Chairman Bomstein's comments pertaining to whether public officials should serve on the CRC, wherein Senator Sebesta indicated that if he

June 20, 2005

was not an appointed member, he would not attend the meetings; and that each member has to address whether a conflict of interest exists. Referring to comments by the members, Chairman Bomstein opined that the independence of the Commission is compromised with having public officials serving on it; and that the CRC should be made up of citizens independent of any vested interest.

Chairman Bomstein referred to the frequency of CRC meetings and indicated that he advocates an amendment that would provide for convening it every eight years concurrent with the Presidential Election; whereupon, discussion ensued with regard to the month the CRC would convene and the duration of the meetings to coincide with the legislative session. Following discussion, Mr. Kwall moved that the BCC be charged with convening a Charter Review Commission that will be appointed in November two years prior to a Presidential Election; and that will conclude in June of the year of the Presidential Election, on a eight-year rotating basis; following deliberation, Senator Sebesta seconded the motion. Upon call for the vote, the motion carried unanimously.

Referring to *Process Amendments*, Mr. Spitzer indicated that the two issues are Legislative Oversight and Dual Vote, and related that the dual vote issue does not require legislative action to change; and that the legislative oversight pertaining to constitutional officers requires a special act supported by the legislature and approval by the electorate. Responding to query by the Chairman, Mr. Spitzer explained that in order to change the duties of an elected official, a special act would have to be passed with the support of the legislature and subsequently approved by the electorate as opposed to Hillsborough and Seminole Counties where the voters could consider the amendment without legislative permission. During discussion, Mr. Wilson expressed concern with any amendment that would impact the constitutional officers, whereupon, Mr. Davis responded that the powers of the constitutional officers would not be changed.

Following additional discussion, Chairman Bomstein asked that the County Attorney's Office draft an amendment with regard to the removal of legislative oversight for review by the members; and that the draft and the removal of the dual vote issue be continued to the next meeting.

ADJOURNMENT

At the direction of the Chairman, there being no objection, the meeting was adjourned at 7:11 P.M.

Clearwater, Florida, May 23, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:07 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Jim Sebesta, State Senator
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Katie Cole
Robert C. Decker
Roy Harrell
Roger Wilson

Late Arrivals:

Ricardo Davis, Vice-Chairman
Karen Burns

Absent:

James F. Coats, Sheriff
George Jirotko
Louis Kwall

Also Present:

Ronnie E. Duncan, County Commissioner
Calvin D. Harris, County Commissioner
Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Brian K. Smith, Planning Director
Chris Staubus, Assistant Director, Utilities
David P. Healey, Executive Director, Pinellas Planning Commission
Roger Sweeney, Executive Director, Pinellas Suncoast Transit Authority
Chief James Angle, Pinellas County Fire Chiefs Association
Kurt Spitzer, KS&A
Stephen F. Humphrey, Jr., MGT of America, Inc.
Michael Crawford, Grimail Crawford, Inc.
Other interested individuals
Arlene Smitke, Deputy Clerk

May 23, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. Commissioner Presentations
= Calvin Harris
4. MGT Study
= Scope of Services
5. Continued Discussion
= Annexation
= Steve Spratt/Brian Smith
= Ray Neri
= Pinellas Mobility Initiative
= Brian Smith
6. Overview of CRC Issues and Options
= Transportation
= Annexation
7. Other Business
8. Adjourn

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum; whereupon, he related that Messrs. Kwall and Jirotko would not be in attendance.

MINUTES OF MEETING OF MAY 3, 2005 – APPROVED

Chairman Bomstein presented the minutes of the meeting of May 3, 2005, and after receiving no response to a request for changes, corrections or modifications, declared the minutes approved by acclamation.

PRESENTATION BY COUNTY COMMISSIONER CALVIN D. HARRIS

Commissioner Harris reminded the members of the great opportunity they have to make a difference for the future of Pinellas County, and indicated that restrictions imposed by the

May 23, 2005

charter limit the ability of the Board of County Commissioners (BCC) to take actions that can improve the lives of the citizens today and in the future.

* * * *

At this time, 5:10 P.M., Mr. Davis entered the meeting.

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Expressing concern over duplicative services, Commissioner Harris suggested that greater efficiency and economic benefits could be realized by merging the County Planning Department and the Pinellas Planning Council (PPC); creating a countywide transportation system; and eliminating multiple fire districts; whereupon; he cited the emergency medical system as an example of successful consolidation. Noting that the county does not need the legislature to solve its problems, Mr. Harris challenged the Commission to build a charter that represents the best that Pinellas, countywide, has to offer.

In response to comments by Councilmember Bryan regarding home rule of the Pinellas Suncoast Transit Authority (PSTA), Commissioner Harris cited resistance to including the millage for PSTA and other independent districts under the county's 10 mill cap; whereupon, Commissioner Latvala stated that the PSTA could be brought under home rule by an act of legislature and a referendum on the ballot; and County Attorney Susan H. Churuti clarified that the PSTA could be made countywide by changing the special act and having a referendum, noting that the legislative delegation did not support the change in the past. Commissioner Latvala indicated that the delegation has agreed to a meeting to discuss the matter.

INTRODUCTION OF VISITORS

Deviating from the agenda and at the request of Chairman Bomstein, those in attendance for the first time introduced themselves; and Chairman Bomstein thanked the visitors and staff for their participation.

MGT STUDY – SCOPE OF SERVICES

Mr. Spitzer summarized the events to date regarding the update of the 1992 MGT of America study and revisions to the scope of services, as outlined in his memorandum dated May 21, 2005 and the spreadsheet attached thereto, copies of which have been filed and made a part of the record. He indicated that he had met with representatives of the

May 23, 2005

Fire Chiefs Association, MGT, and county staff and that a consensus on the scope had not been reached; whereupon, he distributed a letter dated May 23 from MGT, a copy of which has been filed and made a part of the record, proposing further modifications to the scope and reducing the cost by \$21,000 to meet the \$148,000 fee approved by the BCC.

Responding to query by Mr. Decker, Mr. Spitzer confirmed that MGT has submitted an invoice for one fourth of the current contract fee; and noted that activities to date include information gathering and assembly of a project team.

Discussion ensued regarding the importance of including various elements in the study, and Chief James Angle, Pinellas County Fire Chiefs Association, provided input. Administrator Spratt and Commissioner Latvala suggested that data compiled by county staff or drawn from other studies be included as an attachment to the MGT report; whereupon, MGT Senior Partner Stephen F. Humphrey, Jr. expressed his reservations; and Chairman Bomstein indicated that MGT would be allowed to include a disclaimer regarding the adequacy of data supplied by the county.

Mr. Wilson moved that MGT move forward with Option 4, Building and Modified Fire, as shown on Mr. Spitzer's spreadsheet, with the proviso that the county will supply information on the four issues listed in Exhibit 1 of the May 23 MGT letter. Following further discussion, Commissioner Latvala seconded the motion, which carried unanimously.

ANNEXATION PRESENTATION

Planning Director Brian K. Smith conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and reviewed land annexation statistics from 1980 to 2005. At the request of Senator Sebesta, he indicated that he will provide a copy of the presentation to the CRC members.

County Administrator Stephen M. Spratt indicated that the county does not object to annexation in general, but is concerned about some of the ways it has occurred related to contiguity and compactness of the parcels, which have resulted in enclaves, serpentine patterns and inefficient boundaries. He related that a series of referenda from Tierra Verde to Oldsmar have shown that many unincorporated residents wish to remain in the unincorporated area.

He suggested that the CRC take the following actions:

- = Take a position whether or not to support the current charter authority, which gives the county power over voluntary annexation.

May 23, 2005

- = Take a position whether or not the county should have power to manage referendum-based as well as voluntary annexation.
- = Discuss the unincorporated areas and the needs of the people who live there, including delivery of services and protection of their tax base.

During discussion, Messrs. Smith and Spratt responded to various queries by the members and explained the procedures for voluntary and referendum annexation, and PPC Executive Director David P. Healey provided input. Responding to query by Mr. Harrell, Mr. Spratt related that the current annexation provisions allow the county to manage some issues, but that they are sometimes vague and could use some tuning up; and that a provision could be included in the charter to allow involuntary annexation to be managed by the county, to the extent it is not in conflict with general or special law.

Pursuant to their requests and at the invitation of Chairman Bomstein, the following citizens appeared and stated their concerns regarding annexation and the rights of residents of the unincorporated areas:

Wesley C. Snipes, Clearwater (distributed memorandum dated 12/9/04)
Ray Neri, Lealman

* * * *

At 6:13 P.M., Ms. Burns entered the meeting.

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Responding to query by Chairman Bomstein, Mr. Spitzer indicated that even under full home rule, the county would still be bound by general law regarding referendum annexation; and Attorney Churuti related that the charter could address how power would be exercised in the event it was granted by the state; whereupon, Mr. Healey noted that such a provision had been included in the draft of Ordinance 00-66; and Chief Assistant County Attorney James L. Bennett clarified that the provision had been deleted during the public hearing process; and that the CRC has always had authority to recommend to the legislative delegation that authority be granted by special act.

Mr. Spratt indicated that a trouble area relates to various terms and definitions, such as *contiguity*, *compactness*, and *voluntary*, used in state statutes; and Senator Sebesta and Chairman Bomstein requested that staff prepare suggestions to clean up the language and present them at a future meeting.

May 23, 2005

PINELLAS MOBILITY INITIATIVE PRESENTATION

Mr. Smith introduced Michael Crawford of Grimail Crawford, Inc., and following a brief video, they conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, describing the proposed Pinellas Mobility Initiative (PMI). Mr. Smith indicated that County Commissioner Ronnie Duncan is Chairman of the PMI Steering Committee; and that the Committee has been working on a position statement, scheduled for presentation at the June 9 Metropolitan Planning Organization meeting.

Responding to query by Chairman Bomstein, Mr. Spitzer indicated that implementation of the PMI program would require a special act of the legislature; and Ms. Churuti stated that a countywide transit system would be required in order to take advantage of certain funding sources; whereupon, PSTA Executive Director Roger Sweeney voiced his disagreement and stated that there is no legal requirement for a countywide system.

Thereupon, Senator Sebesta advised that the state statutes currently provide for \$800 million in revenue bonds for the Tampa Bay Commuter Transit Authority which covers the five west central counties of Florida; that salability of the bonds will be determined by an investment-grade ridership study to be conducted this fall; and that he sees no reason the project could not serve Pinellas County.

Following further discussion regarding funding sources and in response to query by Councilmember Bryan, Mr. Smith and Senator Sebesta estimated that the PMI system could be completed in five years; and Commissioner Duncan noted that the five-year estimate presupposes that the rail system will be built first; and that there are elements of the program that could be implemented immediately.

OVERVIEW OF CRC ISSUES AND OPTIONS

Mr. Spitzer referred to the recommendations of the 2004 CRC regarding PSTA Governance Structure and PSTA Authority Powers, copies of which have been filed and made a part of the record, and indicated that Mr. Sweeney had requested no action be taken by the CRC until after the PSTA board meeting on May 25; however, noting the CRC's scheduled meeting with the legislative delegation set for June 20, Mr. Spitzer suggested that the Commission may wish to discuss the matter at this time.

Senator Sebesta indicated that he supports the idea of countywide service and reminded the members that they had planned to meet with all the cities immediately after this year's legislative session, but noted that BCC Chairman John Morroni preferred to wait until September; whereupon, Mr. Smith stated that Chairman Morroni now wishes to

May 23, 2005

move ahead, and it was the consensus of the members that Senator Sebesta should set up a meeting with the cities.

Councilmember Bryan requested that Mr. Spitzer research other transit authorities in Florida in hopes of finding a way to bring PSTA under home rule, and Mr. Spitzer agreed to do so.

Mr. Wilson suggested that the CRC attempt to gain county authority, via charter amendment, to handle county problems without going to the legislature, regardless of the specific issues; and Senator Sebesta requested that Mr. Spitzer draft such legislation to present to the legislative delegation, to which Mr. Spitzer agreed.

Thereupon, Mr. Spitzer conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, reviewing the history and provisions of the Pinellas charter, topics discussed by the CRC in 2004 and this year to date, and policy questions open to debate before presenting amendments to voters, including:

- = Dual vote: Every other Florida charter allows the electorate to consider and adopt amendments without a dual vote; whereas, in Pinellas, any proposed amendment setting policy requires a dual vote.
- = Countywide policy default system wherein the city prevails. Some counties have adopted amendments that provide that the county ordinance prevails.
- = Amendment process: Frequency of the charter review, power of the CRC, appointment of members, and whether elected officials should serve on the Commission.

He indicated that full home rule would involve two issues: abolishing the dual vote requirement for proposed amendments setting policy, and removing legislative oversight on future amendments relating to constitutional officers. Attorney Churuti clarified that even with full home rule, annexation is still governed by general law, and special districts are governed by special act and general law defining their abolition; whereupon, she suggested that the CRC may want to add a provision allowing for repeal of the charter by future CRCs; and Mr. Spitzer indicated that he is unaware of any charter that provides for repeal.

Mr. Spitzer noted that given the nature of the charter, most of the issues under consideration by the CRC are likely to require legislative action before they can go to the voters in 2006; and that any recommendations to the delegation must be made by the end of the summer.

May 23, 2005

In response to queries by Councilmember Bryan, Senator Sebesta confirmed that the Commission should draft a bill indicating changes desired; that the cities and county must agree to the changes before submitting it to the legislative delegation or the delegation will not approve it; that the bill will then be placed on the Senate consent agenda; that if there is opposition, the bill is removed from the consent agenda and usually dies; whereupon, he reiterated that there must be a specific program before presentation to the delegation or nothing will happen. Following further discussion and upon proposal by Chairman Bomstein, it was the consensus of the members that the legislative delegation meeting scheduled for June 20 be postponed until August 15 to allow for further deliberation and preparation of specific items for discussion.

OTHER BUSINESS

Chairman Bomstein requested approval of the MGT of America invoice, No. 13361, in the amount of \$36,985 for the first of four payments in accordance with the agreement; whereupon, Senator Sebesta moved, seconded by Commissioner Harrell and carried, that the invoice be approved for payment.

Responding to query by Mr. Wilson regarding the June meeting schedule, Chairman Bomstein indicated that one meeting will be held on June 20; that he will ask Mr. Spitzer to distribute information regarding the issues to be addressed; and that, in light of the postponement of the legislative delegation meeting, the Supervisor of Elections non-partisan issue could be addressed if Supervisor Deborah Clark is able to attend. Mr. Harrell requested that Mr. Spitzer draft recommendations for use as a starting point for discussion, and Chairman Bomstein concurred.

ADJOURNMENT

Chairman Bomstein announced that the June 20 meeting will be held at the Tampa Bay Regional Planning Council offices; whereupon, the meeting was adjourned at 7:50 P.M.

Clearwater, Florida, May 3, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:05 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Susan Latvala, County Commissioner
James F. Coats, Sheriff
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Robert C. Decker
George Jirotko
Roger Wilson

Late Arrival:

Roy Harrell

Absent:

Jim Sebesta, State Senator
Katie Cole
Louis Kwall

Also Present:

Robert B. Stewart, County Commissioner
Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Steve Spratt, County Administrator
Chris Staubus, Assistant Director, Utilities
Deborah Kynes, Chairperson, Pinellas Suncoast Transit Authority
Kurt Spitzer, KS&A
Roger Sweeney, Executive Director, Pinellas Suncoast Transit Authority
Other interested individuals
Cathy Fickley, Deputy Clerk

May 3, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. Commissioner Presentations
 - Bob Stewart
4. Presentations
 - PSTA
 - Annexation
5. MGT Scope of Services
 - Kurt Spitzer
 - Steve Humphrey
6. Discussion of Schedule, Locations and Issues
7. Other Business
 - Approval of Expenses
8. Adjournment

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum; whereupon, Mr. Spitzer confirmed that Senator Sebesta, Mr. Kwall and Ms. Cole would not be in attendance.

MINUTES OF MEETINGS OF MARCH 22 AND APRIL 18, 2005 – APPROVED

Chairman Bomstein presented the minutes of the meetings of March 22 and April 18, 2005, and after receiving no response to a request for changes, corrections or modifications, declared the minutes approved by acclamation.

MGT OF AMERICA, INC. SCOPE OF SERVICES

Deviating from the agenda and at the Chairman's request, Mr. Spitzer provided a review of the proposed changes to the MGT of America, Inc. scope of services and suggested that the changes be presented to the Fire Chiefs Association and the fire fighter union members for review and input prior to finalizing the contract; whereupon, Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., presented an overview of a

May 3, 2005

comprehensive study undertaken to address the county fire service issue. He stated that he met with representatives of the interested parties; and related that the cost of the fire study has increased to \$157,500 as a result of additional requests and a major alternative funding component not included in the original proposal. Mr. Humphrey indicated that the building permit study would remain at \$25,000; and that \$148,000 has been authorized by the Board of County Commissioners (BCC) for both studies.

In response to query by the Chairman regarding the increased cost, Mr. Humphrey noted that the original request directed that three areas be addressed; that the proposed changes include approximately 35 areas; and that alternative funding is a huge task which will necessitate a review of taxation issues; whereupon, discussion ensued wherein Councilmember Bryan suggested that building services be deleted in an effort to conduct a comprehensive fire study; and Mr. Wilson requested that a study include examination of the need for multiple fire administrations when a countywide fire service is in existence.

Mr. Spratt reviewed several aspects of the proposed study, agreed that the study should be complete enough to be meaningful, and indicated that staff will obtain input by the fire chiefs to ascertain important issues in an effort to reach a compromise; whereupon, in response to query by the Chairman, Mr. Spratt related that staff has copious data at their disposal which could be utilized to address the alternative funding matter.

Discussion continued regarding the cost and proposed components of the study; whereupon, Mr. Spratt stated that the focus should be fire and rescue services; that staff will continue to work to reduce the scope prior to requesting additional funding from the BCC; and that funding may also be available for the building services issue.

Thereupon, Councilmember Bryan moved that staff continue with the allocation approved by the BCC; that staff work with the consultant to reduce the study cost to \$148,000; and that building services be deleted; whereupon, the motion died for lack of a second. During discussion, Mr. Spitzer suggested that he work with Messrs. Spratt and Humphrey and the fire chiefs in an attempt to reach consensus with regard to the scope of services; whereupon, in response to query by Mr. Decker, Mr. Humphrey reviewed the timeline required for both studies. Expressing concern with regard to the time available to complete both studies, Mr. Decker suggested that they be prioritized; and requested that staff review the exorbitant cost increase.

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At this time, 5:33 P.M., Mr. Harrell entered the meeting.

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May 3, 2005

In response to Mr. Decker's comment regarding the timeline, Chairman Bomstein discussed opportunities for presenting the issue to the legislature; whereupon, it was the consensus of the members that Mr. Spitzer meet with the interested parties and provide a revised proposal for the members review at the next meeting.

PRESENTATION BY COUNTY COMMISSIONER ROBERT B. STEWART

Commissioner Stewart thanked the members for volunteering their time and for allowing the county commissioners an opportunity to address the commission members. He stated that his goals for the presentation are (1) a brief history lesson; (2) to identify what he sees as the issues and; (3) to identify what he sees as the needs. He provided an historical review of Pinellas County and noted that the population has grown from approximately 30 residents in the late 1880s to 941,000 permanent residents today. Commissioner Stewart discussed the responsibilities of governmental agencies that allow population growth; and related that he believes in voluntary annexation and the referendum process; whereupon, he referred to the four c's, coordination, cooperation, communication, and consolidation, as a potential solution to countywide issues.

Referring to a vision for a better community, Commissioner Stewart suggested the following:

- creation of a regional entity to be in charge of regional issues; (recommended BCC as they are elected countywide officials)
- a true home rule charter
- elimination of the dual vote
- continuation of protection of the Constitutional Officers

Commissioner Stewart pointed out that the CRC has received no citizen input regarding important issues that the citizens will ultimately vote upon; and suggested that a forum or strategic planning session involving the public be conducted.

ANNEXATION PRESENTATION

Deviating from the agenda, Chairman Bomstein requested that the annexation item be presented; whereupon, Chief Assistant County Attorney James L. Bennett referred to his memorandum dated May 3, 2005, a copy of which has been filed and made a part of the record, and discussed county control over voluntary annexations, and responded to query by Mr. Wilson regarding a process whereby the county would control all annexation issues on a countywide basis. Mr. Bennett pointed out that the county has the ability to

May 3, 2005

establish annexation areas; that a change to the general law plus a charter amendment or special act would be required to enable the county to have control over all annexation matters; and in response to queries by Sheriff Coats and Councilmember Bryan, described enclave parameters.

Mayor Dottie Reeder, Seminole, indicated that she concurs with Commissioner Stewart with regard to obtaining citizen input; whereupon, she described her role as President of the Florida League of Cities in appointing a committee to investigate coordination of annexation statewide; and conceded that it would be virtually impossible to create a state law that would satisfy everyone. Mayor Reeder distributed a packet titled *Timeline for Travis Annexation*, a copy of which has been filed and made a part of the record; and described a recent annexation experience, pointing out discrepancies in opinions between county staff. She related that boundary changes have caused animosity and hard feelings between the municipalities and the county; and described the municipalities' opinion should the county have total control over annexation.

Mr. Spratt stated that annexation is a statewide issue; that the county experiences issues with only four or five cities; that annexation relates to fiscal stability and strength of tax base; and that the county's position is not anti-annexation, but rather pro-orderly annexation. Referring to a map, he pointed out that inefficient government service jurisdictions have been created as a result of annexation activity; and suggested that the process be avoided in the future. Mr. Spratt indicated that duress is placed upon citizens occasionally in an attempt to get them to agree to annex; and that citizens appeal to the county for assistance. He discussed referendum annexation and noted that an orderly annexation process does not exist from a layman's point of view; and suggested that the CRC decide whether to support local charter authority over annexation. He explained that bills are pending in Tallahassee that would strip charter county governments of the ability to manage voluntary annexations; and that the county feels that it is important to handle annexation issues locally. Mr. Spratt indicated that the CRC can decide how the charter would frame the control, stated that the citizens should be given the opportunity to decide the issue; and suggested that the unincorporated communities be allowed to choose to remain unincorporated.

In response to Commissioner Latvala's request, Mr. Spratt explained that Lealman was experiencing a great deal of high-value land annexation activity that caused weakening of the tax base of the Lealman Fire District; whereupon, the Lealman citizens appealed to the BCC and the state legislature for protection, which resulted in the passing of the Farkas Bill. He related that following a series of public hearings, the BCC moved the boundary lines as provided for in the referendum and Ordinance No. 00-63.

In response to query by Mr. Harrell, Mr. Spitzer indicated that the annexation discussion is scheduled for May 23, 2005.

May 3, 2005

PINELLAS SUNCOAST TRANSIT AUTHORITY (PSTA) PRESENTATION

Mr. Sweeney introduced PSTA board members Commissioner Bill Jonson, City of Clearwater; Councilmember Bryan; and Commissioner Deborah Kynes, City of Dunedin, Chairperson of the PSTA. Referring to a PowerPoint program titled *Pinellas Suncoast Transit Authority Presentation to Pinellas County Charter Review Committee May 3, 2005*, a copy of which has been filed and made a part of the record, Mr. Sweeney presented historical background information, indicated that PSTA serves 21 of 24 municipalities; and that policy is set by 11 board members appointed by all of the 24 cities and county government. He reviewed the bus routes and pointed out that PSTA provides a demand response service to comply with the Americans With Disabilities Act; indicated that demand has grown significantly over the last ten years; and provided rider statistics and trip purpose information, and discussed funding. Mr. Sweeney related that the PSTA board has provided new direction by increasing service; that the bus design and employee uniforms have changed; that a new facility is being constructed in mid-county; that premium high-speed bus service is being explored; that a preliminary engineering study along the Central Avenue corridor in St. Petersburg will be scheduled in the near future; and that a PSTA animated television commercial has been very successful.

Mr. Sweeney related that there has been no change regarding the governance issue presented to the members last year; whereupon, he provided brief background information pertaining to board appointments. He indicated that last year the PSTA, BCC, CRC and Metropolitan Planning Organization (MPO) voted to increase the size of the board to 15 members; that the issue was presented to the legislative delegation; and that it was not carried forward. He related that a vote was taken two years ago by the same four groups to alter the method by which PSTA membership is changed; and related that the legislative delegation advised that the bill was not received in a timely manner and was dropped; whereupon, he indicated that the PSTA, nor any other group to his knowledge, has since resurrected the matter. He noted that the PSTA Board of Directors recently adopted a resolution that places a moratorium on requesting that the five cities join the authority in an attempt to clarify that the main issue is board composition; and that he is hopeful that meetings with the communities will be conducted in the future to discuss the increased board member issue; whereupon, Commissioner Kynes added that the moratorium was a symbolic gesture; and that the issues were bifurcated.

Discussion ensued and in response to the Chairman's comment regarding federal funding for a rapid transit system, Mr. Sweeney indicated that a countywide authority is not required in order to obtain funding; and Mr. Spratt added that typically a contract is executed with a local sponsor; whereupon, during additional discussion, Mr. Bryan suggested that the CRC review home rule issues in an effort to determine who will run the transit authority.

May 3, 2005

During further discussion, Mr. Harrell suggested that a county presentation be conducted pertaining to the status of the rapid transit issue; whereupon, Chairman Bomstein requested that Planning Director Brian Smith present a rapid transit update at the May 23, 2005 meeting, and Mr. Smith concurred.

DISCUSSION OF SCHEDULE, LOCATIONS AND ISSUES

Chairman Bomstein referred to a document titled *Pinellas County Charter Review Commission Timeline 04/29/2005*, a copy of which has been filed and made a part of the record, and reviewed various topics to be discussed at upcoming meetings. He indicated that the June 20 meeting will be devoted solely to the legislative delegation; and that Mr. Spitzer will advise if the Tampa Bay Regional Planning Council office is available on that date.

In response to the Chairman's request, Ms. Burns referred to a League of Women Voters issue and requested that the members explore whether the Supervisor of Elections should be a non-partisan position; whereupon, discussion ensued with regard to addressing the Constitutional Officers designation. Following input by Attorney Churuti and Mr. Spitzer, Chairman Bomstein sought input by the members with regard to discussing the matter; whereupon, Mr. Harrell stated that since a CRC member has made the request, the issue should be heard. Following discussion, it was determined that the matter would be scheduled for the July 18 meeting in order that Supervisor of Elections Deborah B. Clark may attend.

Mr. Harrell suggested that the strategic planning issue not be scheduled for several months in an effort to obtain input by the cities and/or the county. Chairman Bomstein noted that several speakers had recommended citizen involvement in the process; and that he would like to acquire the services of a public relations representative and meet with Mr. Spitzer to discuss ways in which citizens could become more involved in the charter process; whereupon, Mr. Spitzer suggested that the county may be doing opinion research or focus groups in conjunction with its strategic planning process; and that CRC material may be included in that regard.

Mr. Harrell discussed the possibility of scheduling a visioning session, and Commissioner Latvala remarked that the purpose of the commission is to address the charter; whereupon, Chairman Bomstein indicated that the charter deals with the governance of the county; and that time may be available after the August 15 meeting in which the matter may be addressed.

May 3, 2005

OTHER BUSINESS

Chairman Bomstein requested approval of Mr. Spitzer's monthly expenses; whereupon, Ms. Burns indicated that the members had authorized the Chairman to handle the matter.

ADJOURNMENT

The meeting was adjourned at 7:09 P.M.

Largo, Florida, April 18, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Young-Rainey STAR Center, General Conference Room, 7887 Bryan Dairy Road, Largo at 5:05 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Katie Cole
Robert C. Decker
George Jirotko
Louis Kwall
Roger Wilson

Absent:

Jim Sebesta, State Senator
James F. Coats, Sheriff
Ricardo Davis, Vice-Chairman
Roy Harrell

Also Present:

Ronnie E. Duncan, County Commissioner
Susan H. Churuti, County Attorney and Staff
Stephen M. Spratt, County Administrator and Staff
David Libby, Director, Personnel Department and Staff
John H. McNeil, Employees Advisory Council Chairman
William Naylor, President, Pinellas County Fire Chiefs' Association
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
Caroline J. Jones, Deputy Clerk

A G E N D A

1. Welcome
2. Approval of Minutes
3. Commissioner Presentation – Ronnie Duncan

April 18, 2005

4. Presentations
 - Unified Personnel Board
 - Employee Advisory Council
5. MGT Study
 - Scope of Services – Kurt Spitzer
 - Fire Services Component
 - Fire Chiefs' Association
 - Council of Firefighters
6. Discussion of Schedule, Locations and Issues
7. Other Business
 - Approval of Expenses
8. Adjournment

WELCOME

Chairman Bomstein called the meeting to order and noted the presence of a quorum with nine members in attendance; whereupon, at his request, the guests introduced themselves.

APPROVAL OF MINUTES

Chairman Bomstein stated that the minutes had not been furnished to the members prior to the meeting; and that approval would be deferred to a future meeting.

PRESENTATION BY COMMISSIONER RONNIE E. DUNCAN

Commissioner Duncan referred to the many components of Pinellas County government and expressed concern with the lack of communication exhibited between entities that provide and evaluate similar services; whereupon, he noted the importance of transit governance with regards to redevelopment and roadway enhancements. He discussed the importance of having a group in place that has the ability to monitor and follow through on the multitude of changes that are taking place countywide; and related that the County needs to take a closer look at the private sector with regard to expedience of the permitting and site plan process; and suggested that the review of the Pinellas Planning Council (PPC) be revisited. In conclusion, Mr. Duncan noted social services, affordable housing, and delivery of medical services as related issues that he believes needs additional attention; and sought background information on the process required to make

April 18, 2005

Pinellas County a true home rule community, to which Chairman Bomstein responded that Attorney Churuti will provide that information to him.

UNIFIED PERSONNEL BOARD

Director of Personnel Dave Libby presented information to the Commission wherein he reported that the Unified Personnel System (UPS) provides services to the 11 Appointing Authorities and enumerated those services as:

- Employee and Organizational Support
- Employee Benefits
- Employee Communications
- Records Administration
- Testing
- Pay and Classification
- Counseling
- Recruitment
- Training

He indicated that the Appointing Authorities meet quarterly; that any recommendations, concerns, or revisions are discussed at that time; that information is then shared with the Employees Advisory Council (EAC); and that once concurrency is reached in the form of a recommendation, it is brought to the Unified Personnel Board (UPB) for its approval.

Referring to the UPB, Mr. Libby advised that the board is made up of seven members; that two of the members are appointed by the Board of County Commissioners, two by the Constitutional Officers, two by the EAC; and that those six members appoint the seventh member. He explained that the system has been in existence for 30 years; that it is established by a Special Act; that since its establishment only three changes requiring legislative approval have occurred; and that the department is funded by the BCC.

Responding to query by Commissioner Latvala, Mr. Libby indicated that the UPS was established to eliminate the duplication of services in existence at the time when each of the Appointing Authorities maintained its own personnel department and to bring an end to the "bidding wars" which were conducted by the individual authority in an attempt to employ the applicant of its choice.

In response to query by Councilmember Bryan, Mr. Spitzer indicated that although the Pinellas County UPS is not the only one of its type, most counties utilize a different system; whereupon, responding to additional queries by Councilmember Bryan, Administrator Spratt expressed his agreement with the satisfaction voiced by Mr. Libby

April 18, 2005

with regard to the UPS; and noted that having local authority as opposed to the current legislative authority would be preferable as long as it works as effectively for the employees.

Alluding to the comments by Administrator Spratt, Ms. Stanfield added that staff has been working with the legislature for two years in an attempt to effect general law changes in that area.

Responding to queries by Ms. Cole with regard to changing the authority to the county level, Mr. Libby stated that if the BCC were to become the local law-making body for the UPS, he is of the opinion that the Constitutional Officers would opt out of the system.

In response to questions by Mr. Decker, Attorney Churuti advised that pursuant to an interlocal agreement between the Chief Judge and the BCC, the County funds approximately 30 court employees; that the employees have no appeal rights; and that the Chief Judge has authority for hiring and firing of the individuals.

Responding to queries by Mr. Kwall, Mr. Libby advised that the Unified Personnel Board has final approval of personnel rules; whereupon, Mr. Kwall expressed his approval of the UPS concept.

EMPLOYEES ADVISORY COUNCIL (EAC)

Chairman of the EAC John H. McNeil presented an overview of the Council and its makeup and indicated that meetings are held monthly with approximately 80 attendees; that the Council reviews proposed rule changes and offers them to the delegates for input; and that he is in favor of retaining the current system. Referring to the recent climate survey, he noted the excellent job the Personnel Department had done with compiling the information and disseminating it to everyone; that the system has been an effective tool in thwarting the presence of a union and that he believes the employees of Pinellas County are well-represented.

In response to queries by the Chairman, Attorney Churuti indicated that the EAC was established by a special act of the legislature; whereupon, Mr. McNeil stated that funding for the EAC is provided by the Personnel Department; that it operates independently parallel to the Personnel Department; and added that the Council would like to be able to make certain legal decisions to reflect the opinions of the employees rather than accepting the legal interpretation of issues as represented by the Personnel Department.

April 18, 2005

Discussion ensued with regard to the Sheriff's Office and the PSTA relative to the fact that neither are part of the UPS and their unionization; whereupon, Attorney Churuti added that the Sheriff's employees are organized by a separate special act of the legislature. Chairman Bomstein questioned the necessity of home rule for the UPS based on the fact that although local rule would effect faster changes, there has been only three amendments that have taken place in the last 30 years; whereupon, additional discussion ensued with regard to the advantages and disadvantages of home rule for the personnel system.

Responding to query by Commissioner Latvala, Attorney Churuti advised that home rule could be achieved by an interlocal agreement; however, it would not be binding for future constitutional officers.

MGT OF AMERICA, INC. STUDY

Scope of Services

Chairman Bomstein brought the members up to date with regard to the BCC ratification of the contract between the Pinellas County CRC and MGT of America, Inc. for the updating of the previous Pinellas County Government Services Improvement Study prepared in 1992 and the authorization granted for an expenditure in an amount not to exceed \$147,940.00 and requested that the proposal be revisited by the members based on the concerns expressed by the BCC and reflected in its split vote.

Responding to Mr. Kwall's request to revisit the components of the proposal by straw vote, Chairman Bomstein suggested that the members consider background information to be presented by Mr. Spitzer prior to proceeding with additional action.

Mr. Spitzer referred to the proposal approved by the CRC and the BCC which included the areas of police, fire, water and sewer, library and building services; and reported that the Pinellas County library system is very unique and is one which has recently been negotiated and renegotiated; that the study is not going to be an engineering study and subsequently could not determine the quality of the water and sewer service in the County; and that cost savings with regard to police services can be clearly accomplished by further consolidation of the smaller departments with the Pinellas County Sheriff's Office. In conclusion, he pointed out the remaining two areas of study, building and fire services; and advised that although a full contract had been approved, the members could revisit the areas in which they wish to proceed.

April 18, 2005

Councilman Bryan stated that he favors reverting to a narrower scope of services; whereupon, Mr. Kwall moved to reconsider the vote taken at the last CRC meeting and to limit the study to fire services. Discussion ensued with regard to the need to include building services in the scope of services, following which Mr. Wilson seconded the motion. After input by Commissioner Latvala pertaining to complaints expressed by the contractors relating to discrepancies amongst the cities' building departments, Mr. Kwall amended his motion to include that the members consider each service area individually with the fire services area addressed first, and Commissioner Latvala seconded the motion. Upon call for the vote, the motion carried unanimously.

Thereupon, Mr. Kwall moved, seconded by Commissioner Latvala, that MGT be engaged for the purpose of studying building services. Discussion ensued with regard to a countywide building service wherein Councilman Bryan expressed concern with local departments giving up review based on historical and architectural significance; whereupon, Commissioner Latvala indicated that the consolidation would not necessarily eliminate design review of historic districts by city governments. Following further discussion, Mr. Spitzer noted for the record that the Pinellas Planning Council would not be a component of the building services study. Upon call for the vote, the motion carried 8 to 1 with Councilmember Bryan casting the dissenting vote.

* * * *

At this time, 6:08 P.M., Councilmember Bryan left the meeting.

* * * *

Following discussion, Mr. Kwall moved, seconded by Commissioner Latvala, that the balance of the proposed study areas be eliminated. Upon call for the vote, the motion carried unanimously.

Fire Services Component

Chairman Bomstein referred to the *Joint Position Paper* distributed by the Pinellas County Fire Chiefs' Association and Council of Firefighters and indicated that it reflects the desire of the stakeholders to be involved in the process of developing a scope; and proposes that additional aspects be incorporated into the study.

William Naylor, Fire Chief and President of the Pinellas County Fire Chiefs' Association, reiterated the desire of the fire chiefs to be significantly involved in the process; and referring to certain parameters set forth for the study, expressed disagreement with any recommendation to close fire stations noting that at least three new stations have been

April 18, 2005

added since the 1992 study; and that there are still areas that fall short relative to response time. With regard to the recommendation for a group-purchasing program, Chief Naylor advised that such a program already exists. He pointed out that fire services are already functionally consolidated and provided background information with regard to the computer run-card system noting the ability for one city to assist another city with fire and emergency services; and opined that the problem resides in the funding of fire services. Referring to unincorporated areas, Chief Naylor stated that the cities cannot be expected to develop funding sources; and that infrastructure, fire hydrants, and water lines should be addressed through the County.

In response to query by the Chairman, Chief Naylor noted that the previous study contained certain inaccuracies and did not take into consideration that 80 percent of the fire fighters are paramedics or emergency medical technicians (EMT); that Emergency Medical Services (EMS) should be a component of the study; and that no consideration was given to long-term growth in the County.

Speaking to the discussions with the fire chiefs earlier in the day and at the request of Chairman Bomstein, Stephen Humphrey, Jr., MGT of America, stated that the fire services community is seeking an in-depth study of fire operations in Pinellas County; that there have been many changes in the County relevant to growth; and that EMS and water issues do need to be addressed. Chief Naylor commented that the population growth in North County will require more services and manpower; that the program must be a long-range one; that many areas of the County are being annexed resulting in a shrinking tax base; and that those are the types of issues that need to be looked at and planned for in the study.

Mr. Wilson referred to mutual aid agreements in relationship to functional consolidation of fire-fighting services and opined that the same may need to be done with administrative services.

At the request of Chief Naylor, Fire Chief James Engle offered a suggestion pertaining to the implementation of franchise fees in unincorporated areas as opposed to solely using ad valorem taxes, noting that everyone utilizes electricity, that not all individuals pay ad valorem taxes, and that the franchise fees could stabilize the millage rate. Discussion ensued wherein Chairman Bomstein pointed out the difference in the fire district millage rate between the City of Belleair and the Lealman Community based on ad valorem taxes; and noted that it does create an imbalance within the County from fire district to fire district.

Responding to queries by Ms. Cole, Chief Naylor indicated that there are no reimbursements between the cities for provision of fire services; that all services are

April 18, 2005

provided pursuant to mutual aid agreements; and that the fire chiefs are in agreement with the Pinellas Assembly concept but do not agree with the need for a countywide fire department.

In response to query by Commissioner Latvala and comments from the members, Chief Assistant County Administrator D. Gay Lancaster referred to the issue of mutual aid agreements and pointed out the cost savings appreciated by each city not having to purchase its own specialty resources and the sharing of services; and alluding to Commissioner Latvala's comments with regard to the number of vehicles that respond to emergency situations, related that it is an operational decision determined totally by the municipalities.

Responding to comments by Mr. Kwall, Chairman Bomstein indicated that the reason input is being sought from the departments involved in the study is to ensure the inclusion of all pertinent issues; whereupon, referring to the joint proposal submitted by the Firefighters Council and the Fire Chiefs' Association, asked that Mr. Spitzer review the recommendations on behalf of the CRC and stated that direction would then be given to MGT based on Mr. Spitzer's recommendations to the members; and no objections were noted.

In response to comments by Mr. Wilson, Mr. Humphrey pointed out that one of the recommendations in the study deals with addressing whether consolidation of administrative services would be effective.

Discussion ensued with regard to the funding approved by the BCC for the study wherein Administrator Spratt advised that any revisions to the scope of services would have to go back to the Board for approval; whereupon, Chairman Bomstein noted that once an agreement is finalized with MGT, the Board will be asked for ratification.

DISCUSSION OF SCHEDULE, LOCATIONS AND ISSUES

Chairman Bomstein indicated that alternative location meetings will occur every third meeting; that he and Mr. Spitzer will determine the upcoming alternative location; that the next scheduled meeting is May 3 and will be held at the Swisher Building in Clearwater; and that he is recommending that Mr. Spitzer schedule the June 20 meeting with the Legislative Delegation, and no objections were noted.

Discussion ensued with regard to topics for the May 3 and May 23 meetings wherein Mr. Wilson requested that the County Attorney's Office submit an outline of the process

April 18, 2005

Pinellas County would need to implement to acquire total authority to oversee annexation activity.

OTHER BUSINESS

Approval of Expenses

Mr. Spitzer presented expense statements in the amount of \$13,802.00; whereupon, Mr. Kwall moved, seconded by Commissioner Latvala and carried, that the expenses be approved for payment.

Thereupon, at the suggestion of Chairman Bomstein, Mr. Kwall moved, seconded by Commissioner Latvala and carried, that the Chairman be granted authority to approve future bills.

ADJOURNMENT

The meeting was adjourned at 6:58 P.M.

Clearwater, Florida, March 22, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:08 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Susan Latvala, County Commissioner
Karen Burns
Robert C. Decker
Louis Kwall
Roger Wilson

Late Arrivals:

Ricardo Davis, Vice-Chairman
Roy Harrell

Absent:

Jim Sebesta, State Senator
James F. Coats, Sheriff
John Bryan, City of St. Petersburg Councilmember
Katie Cole
George Jirotko

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Assistant County Administrator D. Gay Lancaster
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
MaryAnn Penhale, Board Reporter

AGENDA

1. Welcome
2. Approval of Minutes

March 22, 2005

3. Presentations
 - Construction Licensing Board
 - License Board for Children's Centers and Family Day Care Homes
 - EMS Authority
4. Continued Discussion of Local Boards, Authorities and Districts
5. MGT Scope of Services
6. Discussion of Schedule, Locations and Issues
7. Other Business
8. Adjournment

WELCOME

Chairman Bomstein noted the absence of a quorum at the present time; and stated that approval of the minutes will be addressed later in the meeting; whereupon, he called the meeting to order and welcomed those in attendance. Mr. Spitzer confirmed that Senator Sebesta, Sheriff Coats, Councilmember Bryan, Ms. Cole, and Mr. Jirotko will not be attending; and Chairman Bomstein related that Messrs. Davis and Harrell are expected.

PINELLAS COUNTY CONSTRUCTION LICENSING BOARD (PCCLB) PRESENTATION

Deviating from the agenda, Chairman Bomstein indicated that the PCCLB presentation will be addressed next.

Rodney S. Fischer, Executive Director, PCCLB, indicated that it was created by a Special Act of the Legislature in 1973 as an independent special district; that the Board of County Commissioners (BCC) approves the entity's budget based on an interlocal agreement; and that any contractors in Pinellas County doing work in the county must either be registered or licensed with the PCCLB. Responding to queries by the Chairman, he discussed:

- the state of Florida's two-tier licensing system
- the specialty contractor classifications licensed by Pinellas County but not by the state

March 22, 2005

- the testing process and competency exams required to obtain a license
- the PCCLB's amendatory authority over the building code
- the establishment of the Coastal Construction Code

* * * *

At this time, 5:19 P.M., Mr. Harrell entered the meeting.

* * * *

Mr. Fischer indicated that the PCCLB has disciplinary authority over contractors working in the county who violate the building code or licensing laws; that he will leave a board packet with the Chairman for the members' perusal; and that the PCCLB has the ability to write citations against unlicensed individuals. In response to query by Chairman Bomstein, Mr. Fischer stated that several cities have indicated that if the PCCLB were to be incorporated under the county, their cooperation and involvement with the entity would erode very quickly; and that every city in the county has the same building code with the exception of the Coastal Construction Code with the beach communities.

In response to queries by Mr. Kwall, Mr. Fischer discussed:

- amendatory authority over the building code established by the State Legislature
- funding sources
- budget of approximately \$600,000
- payment for services provided by the county
- representation on the PCCLB

* * * *

At this time, 5:41 P.M., Mr. Davis entered the meeting.

* * * *

Responding to queries by Mr. Wilson, Mr. Fischer discussed the PCCLB's ability to respond to consumer complaints in a timelier manner than the state and to file administrative complaints against state licensed contractors.

March 22, 2005

MINUTES OF MEETING OF FEBRUARY 7, 2005 – APPROVED AS AMENDED;
MINUTES OF MEETINGS OF FEBRUARY 28 AND MARCH 7, 2005 – APPROVED

Noting the presence of a quorum, Chairman Bomstein presented the minutes of the meetings of February 7 and 28 and March 7, 2005. Mr. Harrell moved, seconded by Commissioner Latvala, that the minutes be approved; whereupon, Mr. Davis requested that the minutes of February 7 be amended to indicate his absence; and upon call for the vote, the motion carried unanimously.

LICENSE BOARD FOR CHILDREN’S CENTERS AND FAMILY DAY CARE
HOMES PRESENTATION

Linda Tamanini, Chairman, presented an overview of the License Board for Children’s Centers and Family Day Care Homes, including historical background information regarding the board’s creation by a Special Act in 1951, revised standards adopted in 1957, and the Special Act of 1961 which is currently operative, a copy of which has been filed and made a part of the record.

Ms. Tamanini related that the seven-member board includes representatives from the Health Department, School District, Department of Children and Families (DCF), BCC, Juvenile Welfare Board (JWB), and Professional Early Childhood Association; that there are eight advisory members representing family child care homes, children’s centers and school age programs; that the board is the sole agency in Pinellas County that licenses child care; and that there are 827 licensed family child care homes and 407 children’s centers with a total capacity of 43,298 slots available for licensed care in the community; whereupon, she discussed staffing, the food program, the standards set forth in Chapter 61-2681, and three drafts of new regulations scheduled for public hearing on April 29, copies of which have been filed and made a part of the record. She noted that operators of a children’s center are required to abide by all regulations of the state and Pinellas County; and added that the board’s regulations for exempting providers of child care before and after school from licensure are higher than those of the state, as are many of the regulations in Pinellas County to protect children.

Ms. Tamanini related that funding for the board is provided by:

- JWB – slightly more than \$1,000,000
- DCF – approximately \$250,000
- license application and renewal fees – approximately \$120,000

March 22, 2005

She referred to a meeting with the Executive Director of the JWB and expressed concerns as to whether the board would continue to receive the same amount of funding if it were to become part of the county system.

Responding to queries by Ms. Burns, Ms. Tamanini indicated that the aforementioned three sources of funding represent the complete budget; and that licensing of foster homes and medical foster homes is within the purview of DCF.

EMERGENCY MEDICAL SERVICES (EMS) AUTHORITY PRESENTATION

Chuck Kearns, Executive Director, Emergency Medical Services and Fire Administration, conducted a PowerPoint presentation titled *2005 Pinellas County EMS & Fire Administration, EMS Dependent District Operations prepared for Charter Review Commission*, a copy of which has been filed and made a part of the record, and presented an overview of:

- performance-based contracts
- high performance, all paramedic ambulances
- centralized 9-1-1 center
- private ambulance company d/b/a Sunstar
- cost control methods
- key components of EMS system
- EMS administration and coordination
- one of the best out of hospital cardiac arrest survival rates in the world
- funding sources
- historical EMS millage rates from 1981 through next year

Chief Assistant County Administrator D. Gay Lancaster referenced discussion with County Administrator Stephen M. Spratt and related that with respect to consolidation of fire and EMS, there are some opportunities for economies that exist subject to very close review and cost containment; that if fire and EMS services were consolidated under the charter, they would together exceed the millage cap for the county; that consolidating fire service into the county would have a 3.3 mill impact which would force the county millage close to or beyond its cap; that the recommendation by the Pinellas Assembly for

March 22, 2005

consolidation of fire service into three distinct districts operating as a separate authority not under the BCC would have more practical application; that it would be difficult to force that type of consolidation given the political overlay; that current provision of fire and EMS service is excellent; that there has not been criticism of the services provided countywide; and that from a practical standpoint, it would be very difficult to accomplish consolidation.

Responding to queries by Chairman Bomstein, Mr. Kearns explained procedures regarding the dispatch of first responder units and Sunstar vehicles; and indicated that the millage is used to fund first responder units at the fire departments; whereupon, Ms. Lancaster provided input regarding the formula utilized in the decision-making process for funding requests.

In answer to questions by the members, Mr. Kearns indicated that every fire station has a first responder unit except for the airport fire rescue; that there are 63 fire stations in the county; and that the number of ambulances on the road at different times of the day are based on historical demand patterns; whereupon, he described procedures related to the medical helicopter.

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At this time, 6:24 P.M., Commissioner Latvala left the meeting.

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CONTINUED DISCUSSION OF LOCAL BOARDS, AUTHORITIES AND DISTRICTS

County Attorney Susan H. Churuti referred to a document titled *Special Act Analysis of Special Districts Initially Identified as Possibly Dependent*, and distributed two documents titled *Pinellas County Charter Review Commission, Charter Amendment #1 – Mosquito Control Program* and *Charter Amendment #2 - Water and Navigation Control Programs*, copies of which have been filed and made a part of the record.

Attorney Churuti reviewed the criteria for analysis of the PCCLB, the License Board for Children's Centers and Family Day Care Homes, EMS Authority, Mosquito Control Board, Pinellas County Water and Navigation Control Authority and Unified Personnel Board and summarized the status of each as follows:

March 22, 2005

- PCCLB – probably independent
- License Board for Children’s Centers and Family Day Care Homes – could be either dependent or independent
- EMS Authority – dependent
- Mosquito Control Board – dependent
- Pinellas County Water and Navigation Control Authority – dependent
- Unified Personnel Board – established by state law; governs constitutional officers in addition to BCC; cannot be converted to an ordinance without losing its authority over constitutional officers

Attorney Churuti reviewed the draft charter amendments for the Mosquito Control Program and the Water and Navigation Control Authority; whereupon, Mr. Kwall moved that the CRC move forward with the two potential charter amendments; seconded by Mr. Wilson, with the understanding that the matter is subject to additional discussion at the final ratification. Following discussion and additional input by Attorney Churuti as to the possible benefits resulting from the proposed charter amendments, upon call for the vote, the motion carried unanimously.

Chairman Bomstein sought input from the members as to whether the County Attorney’s Office should address the PCCLB, the License Board for Children’s Centers and Family Day Care Centers or EMS. Mr. Harrell queried as to any documented possible savings that would result from changing the present structure; whereupon, Attorney Churuti indicated that the issue of savings would be addressed through the MGT study. Discussion ensued; and Chairman Bomstein noted that the members are free to revisit any of the aforesaid items in the future.

MGT OF AMERICA, INC. SCOPE OF SERVICES

Mr. Spitzer indicated that estimated cost figures have been obtained from MGT of America, Inc. in the amount of \$77,000 for fire, police, and building/zoning services, and close to \$70,000 for water/sewer and libraries.

Responding to query by Mr. Harrell, Stephen F. Humphrey, Jr., Senior Partner, MGT of America, Inc., discussed the original 1992 study; whereupon, Ken Cramer, Executive Director, Pinellas County Fire Chiefs Association, expressed concerns regarding the data gathering process utilized for the previous study; and Chairman Bomstein requested that Mr. Humphrey speak specifically with Mr. Cramer to satisfy his concerns if the CRC approves moving forward with the MGT study.

March 22, 2005

Chairman Bomstein expressed concerns related to the issues of cost and time constraints, and inquired as to any possible savings and shortened time frame if the police element were eliminated from the study. Discussion ensued regarding the cost and need for the study, provision of knowledge to be obtained, whether any item should be pulled, what changes would occur if services were consolidated, and the elements to be included in the study.

Thereupon, Mr. Kwall moved, seconded by Mr. Davis, that the CRC enter into a contract with MGT of America, Inc. for \$77,000, with authorization for the Chairman to enter into the contract without waiting for the next meeting. Attorney Churuti stated that the Chairman might not have the authority to enter into the contract; that it might have to be presented to the BCC; and that she would look into the matter. During discussion, Mr. Harrell suggested that the proposed scope of work should be sent to the cities with a request for their input; and Mr. Spitzer related that he would be able to contact the cities via e-mail. Following additional discussion, Chairman Bomstein restated the motion to proceed with a contract with MGT of America, Inc. for \$77,000 to include the fire, police and building issues, to engage input from the cities regarding the scope of the project as it moves forward; whereupon, Mr. Kwall stated that he accepts the aforesaid amendment; and to authorize the Chairman to execute the contract if appropriate, or if not, to have the county submit the contract to the BCC for approval as soon as possible. Upon call for the vote, the motion carried 6 to 1, with Mr. Decker casting the dissenting vote.

Mr. Harrell moved, seconded by Mr. Kwall for the purpose of discussion, that the scope of services be expanded to include water/sewer and library for an additional \$70,940, bringing the total cost of the project to \$147,940. During discussion and in response to queries by the members, Mr. Humphrey explained the broader scope of the project related to the cost; stated that he believes the time line requirements can be met; and referenced similar studies by the company for various counties and cities. Following additional discussion and upon call for the vote, the motion carried 4 to 3, with Chairman Bomstein and Messrs. Decker and Kwall casting the dissenting votes.

* * * *

At this time, 7:21 P.M., Mr. Kwall left the meeting.

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DISCUSSION OF SCHEDULE, LOCATIONS, AND ISSUES

Chairman Bomstein reviewed a document titled *Pinellas County Charter Review Commission Draft Timeline*, a copy of which has been filed and made a part of the

March 22, 2005

record, indicated that the next meeting is scheduled for April 18 at the Young-Rainey STAR Center; and that approximately every third meeting will be scheduled at an alternative location.

Ms. Burns related that she is in favor of having the meetings at a location where they could be televised on the public cable channel.

Discussion ensued regarding alternative locations for future meetings; and Chairman Bomstein stated that the possibility of a site in the Carillon area would be investigated.

Chairman Bomstein sought input from the members regarding the scheduled topics; whereupon, Ms. Burns requested adding topics to the schedule regarding making the Supervisor of Elections nonpartisan and the Canvassing Board nonpartisan or multipartisan. Attorney Churuti provided input regarding the membership of the Canvassing Board and the constitutional status of the Supervisor of Elections; and following discussion, indicated that she would look into the aforementioned issues; whereupon, Chairman Bomstein stated that the topics will be scheduled for a future meeting.

Mr. Harrell requested that water/sewer and library be added to the schedule, as well as a separate discussion of a strategic planning organization referenced in his earlier memo to the members; Mr. Wilson indicated that he had requested discussion on planning; and Chairman Bomstein stated that information from the Pinellas Assembly could be provided for each of the items.

OTHER BUSINESS - NONE

ADJOURNMENT

The meeting was adjourned at 7:36 P.M.

Clearwater, Florida, March 7, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
James F. Coats, Sheriff
John Bryan, City of St. Petersburg Councilmember
Karen Burns
Katie Cole
Roy Harrell
George Jirotko
Louis Kwall
Roger Wilson

Absent:

Jim Sebesta, State Senator
Susan Latvala, County Commissioner
Robert C. Decker

Also Present:

Kenneth T. Welch, County Commissioner
Robert E. Jackson, City of Largo Mayor
Stephen M. Spratt, County Administrator
D. Gay Lancaster, Chief Assistant County Administrator
James L. Bennett, Chief Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
Arlene Smitke, Board Reporter

March 7, 2005

AGENDA

1. Welcome
2. Approval of Minutes
3. Presentations
 - Commissioner Ken Welch
4. Continued Discussion of Local Boards, Authorities and Districts
5. Review of MGT/Pinellas Assembly Reports
6. Discussion of CRC Process
7. Administrative Matters
 - Discussion of Calendar
 - MGT Report – Estimated Cost to Update
8. Other Business
9. Adjournment

WELCOME

Chairman Bomstein called the meeting to order and welcomed the members, and indicated that Senator Sebesta, Commissioner Latvala, Mr. Decker, and Ms. Churuti would not be attending, and that Chief Assistant County Attorney James L. Bennett would be representing the County Attorney's Office.

APPROVAL OF MINUTES

Mr. Bryan moved that the minutes of the February 28 meeting be approved; whereupon, following discussion, Mr. Bryan withdrew his motion and the matter was deferred to allow the members sufficient time to review the minutes.

March 7, 2005

DISCUSSION OF CALENDAR

Deviating from the agenda, Chairman Bomstein announced that the next meeting will be held on Tuesday, March 22 at the Swisher Building; that the following meeting will be Monday, April 4 at the Young-Rainey STAR Center; that subsequent meetings will be held at various locations throughout the County; and that further information will be forthcoming.

PRESENTATION BY COMMISSIONER WELCH

County Commissioner Kenneth T. Welch expressed appreciation to the members for their service on the Commission and indicated that he concurs with the opinions expressed by Commissioners Morroni and Seel that the Pinellas County Charter is extremely limited compared to those of other large urban counties, and that intergovernmental coordination is a vitally important issue.

Commissioner Welch briefed the Commission on his concerns regarding delivery of services, specifically in the areas of fire, transportation, and human services, citing the disparity of fire service rates in the communities of Lealman and South Pasadena and the need for highway and transit service governance by a single entity. He related that planning is underway for a Human Services Planning Council, and Chief Assistant County Administrator D. Gay Lancaster provided input. Responding to query by Chairman Bomstein, he suggested that funding authority for the proposed Human Services Planning Council might be provided under the charter.

In response to query by Mr. Kwall, Ms. Lancaster stated that the matter of a county-employed human services ombudsman has not been discussed, but may come up at a future date; whereupon, Chairman Bomstein indicated that while such an issue is not within the scope of the CRC, he would be amenable to including general recommendations to the County in a final summary report.

PRESENTATION BY THE COUNCIL OF MAYORS

City of Largo Mayor and Mayors' Council Vice-Chairman Robert Jackson referred to the Pinellas Assembly process and indicated that a meeting had been set in February to formalize the recommendations of the Assembly; that after ten months, some mayors had not yet reviewed the recommendations with their councils; and that it may be some time before the information will be available for consideration by the CRC.

March 7, 2005

Mayor Jackson stated that the charter should be revised to remove obstacles to delivering services at the least cost; and noted that there are areas where the cities and counties should be working together. Regarding issues to be addressed, Mayor Jackson indicated that EMS and first-responder fire services seem to be working well; that the library system need not be considered; and that examples of functions which should be handled countywide include joint-use drainage improvements, health issues, homelessness, and substance abuse. Responding to queries by Mr. Kwall regarding the consolidation of fire services, he acknowledged the disparity of rates and services, and pointed out that each of the various fire departments has its own salary and pension plans; that not all districts have the same needs; and that competition for employees is not necessarily bad; but noted that eliminating smaller districts that cannot provide mutual-aid services could be advantageous.

During discussion and referring to the issue of disparity in millage rates among various communities, Mr. Wilson pointed out that mill value varies according to property values in each community; whereupon, Mr. Spratt indicated that various charts and schedules exist depicting a unified millage throughout the unincorporated area, and unified millage rates throughout the county for fire service and fire and EMS combined. He noted that city services are funded by revenue from ad valorem taxes as well as various other sources, and offered to provide a separate report showing anticipated tax shifts under alternate service delivery options; and Chairman Bomstein called attention to the document titled *Pinellas County Fire and EMS FY 04/05*, a copy of which has been filed and made a part of the record.

DISCUSSION OF LOCAL BOARDS, AUTHORITIES, AND DISTRICTS

Attorney Bennett referred to Article V, Section 5.02.b of the Pinellas County Charter and reviewed the 16 boards, authorities, districts and councils referred to therein and described in detail in the agenda package, a copy of which has been filed and made a part of the record; and Senior Assistant County Attorney Dennis Long provided input. Mr. Bennett noted that the Department of Community Affairs (DCA) is responsible for administering the Special District statute, Chapter 189; that it designates each as either a Dependent or Independent Special District; and that the DCA list is not yet inclusive of all Special Districts. Discussion ensued regarding the definition of Dependent versus Independent Special Districts and how that status affects the CRC's ability to bring it under charter authority for purposes of future policy changes.

During discussion, further information was provided by various members and staff regarding the Police Standards Council, Unified Personnel Board, Mosquito Control

March 7, 2005

Board, and the Water and Navigation Control Authority; and the members expressed interest in hearing presentations by Rodney Fischer of the Construction Licensing Board; the Chairman of the License Board for Children's Centers and Family Day Care Homes; Mike Gustafson of the City of Pinellas Park, re the Pinellas Park Water Management District; Dennis Jones on behalf of the Pinellas Suncoast Transit Authority (PSTA) (when Senator Sebesta will be in attendance); and Commissioner Stewart, regarding future mass transit. Referring to the licensing boards, Mr. Harrell requested further information regarding the powers of the boards and whether the County could fill the role of the boards if they were eliminated; and Chairman Bomstein stressed the importance of hearing varying opinions regarding the value and functions of the boards and urged the members to contact him or Mr. Spitzer with the names of individuals who may wish to speak.

DISCUSSION OF CRC PROCESS

Deviating from the agenda, Chairman Bomstein indicated that Agenda Item No. 6 would be addressed at this time; whereupon, Mr. Spitzer conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, explaining Dillon's Rule and Home Rule, specifics of the Pinellas County Charter, and the amendatory process.

Points of discussion included the following:

- The 1998 CRC's failed attempt to achieve full Home Rule status.
- Need to paint a picture of the desired end results and why the process must change to achieve those results.
- Need to continue to focus on individual issues to avoid all-or-nothing results.
- New legislators will not take office until after the vote on proposed amendments.
- Two issues are involved: transfer of power from legislative level to county level; and the dual vote requirement - municipalities' power versus the county's power.
- There is no forum for cities and county to talk strategically, build consensus; no entity to which the legislature is comfortable delegating power.

Referring to recommendations of the 1998 CRC, Chairman Bomstein suggested establishment of an ongoing body to address consolidation of service issues and gain public support; whereupon, Mr. Harrell urged that the name and focus of such a group be

March 7, 2005

geared toward strategic planning, rather than specifically tied to consolidation of services; and Messrs. Bryan and Bomstein indicated that savings realized through cost reductions would make a greater impact if used to improve the quality of life in the county than if divided among individual citizens.

UPDATE OF MGT REPORT

Mr. Spitzer related that MGT of America's *Pinellas County Government Services Improvement Study* was completed 13 years ago; that the study was intended to be a tool to the 1992 CRC; and that the consultant's research had identified \$20 million of potential savings within seven service areas; whereupon, he listed various recommendations and noted that many have been implemented. He indicated that MGT has proposed to redo the study within an approximate 90-day timeframe, focusing on the five areas where potential cost savings had been identified.

During discussion, Mr. Harrell reiterated that the focus should not be on consolidation, but in gaining knowledge; and that input should be solicited from cities, constitutional officers, and the legislative delegation; and Mr. Davis expressed concern that resources not be expended on issues not considered viable. Chairman Bomstein suggested that MGT be directed to study efficiencies and economies without regard to ownership, as opposed to consolidating all services at the county level.

Following further discussion, Ms. Cole moved, seconded by Mr. Jirotko, that Mr. Spitzer proceed to hire MGT to update the study in the areas of construction services and fire services. Chairman Bomstein suggested the inclusion of police services, and Ms. Cole concurred. Discussion continued; whereupon, the motion was amended to solicit a proposal from MGT to conduct a study in the areas of fire, police and building services; and upon call for the vote, the motion carried 9 to 1, with Mr. Harrell casting the dissenting vote.

ADJOURNMENT

The meeting was adjourned at 7:42 P.M.

Clearwater, Florida, February 28, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
James F. Coats, Sheriff
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Katie Cole
Roy Harrell
George Jirotko
Louis Kwall - via Conference Call
Roger Wilson

Absent:

Karen Burns
Robert C. Decker

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
Barbara Sokolowski, Board Reporter

February 28, 2005

AGENDA

1. Welcome
2. Presentations
 - Commissioner John Morroni
 - Commissioner Karen Seel
3. Overview of Pinellas County Government
4. Pinellas Assembly Process
5. Review of MGT/Assembly Reports
6. Overview of Local Boards, Authorities and Districts
7. Administrative Matters
 - MGT Report - Estimated Cost to Update
 - Responses for Legal Services
 - Discussion of Calendar
8. Other Business
9. Adjournment

WELCOME

Chairman Bomstein called the meeting to order, and welcomed the members.

PINELLAS ASSEMBLY PROCESS

Deviating from the agenda, Chairman Bomstein directed that agenda Item No. 4 be considered; whereupon, Assistant County Administrator Elithia V. Stanfield referred to documents titled *Pinellas Assembly Task Forces' Report Summary*, and *Pinellas Assembly Timeline*, copies of which have been filed and made a part of the record, and provided an overview of the Pinellas Assembly process and the overall conclusion. She stated that a letter had been sent from the chairs of the Board of County Commissioners (BCC) and the Mayors' Council requesting resolutions for areas of

February 28, 2005

agreement topics for further discussion; that 12 resolutions have been received to date; and that staff would be following up with the remaining municipalities and preparing a final document. In response to query by Mr. Wilson, Ms. Stanfield indicated that nearly everyone was in agreement with the recreation, law enforcement and healthcare areas; and that in regard to annexation, one area agreed upon was relative to providing sufficient notice to the community during the process. Following comments by Chairman Bomstein, Ms. Stanfield suggested that the task force chairs be invited to attend the meetings as the CRC begins to consider each of the task forces' recommendations.

PRESENTATIONS

Commissioner Morroni

Commissioner Morroni summarized the issues that he felt needed to be addressed by the CRC, which included home rule, transportation, less legislative involvement in local government issues, duplication of services, and a reduction in the number of special districts. Referring to comments by Commissioner Morroni with regard to the Pinellas Suncoast Transit Authority (PSTA) issue, Senator Sebesta indicated that he is in favor of a countywide bus system; that there is considerable opposition to the issue; that he would like to meet with the affected parties as soon as possible after the legislative session ends to discuss the matter in a public hearing forum; and that he agrees that transportation is the number one issue in the county; whereupon, he provided examples of two transportation projects that have been fully funded.

Discussion ensued with regard to the PSTA and issues associated with the failure of the bill to change the make-up of the PSTA Board, prioritization and funding of projects, and local versus federal funding, during which Commissioner Morroni indicated that the BCC has recently voted on its transportation priorities; and Commissioner Latvala indicated that the BCC would address funding issues.

Commissioner Seel

Commissioner Seel expressed appreciation to the members for the time commitment they have made to serve on the CRC; whereupon, she referred to an e-mail received from Mr. Harrell, a copy of which has been filed and made a part of the record, and stated that the county is embarking on strategic planning; and that she would like to see the legislative delegation, constitutional officers, the cities, and the county work together to determine if there are matters that can be mutually agreed upon. She described the Pinellas Assembly process, and stated that the time period was lengthened

February 28, 2005

so that the issues could go out to the cities in order to obtain their input; that resolutions by the cities have been requested to indicate whether they endorse the agreed-upon issues; that complete consensus has not been attained; that the topics from the Pinellas Assembly continue to be the most important relative to transportation, law enforcement, emergency medical/fire services, and annexation. In response to query by the members, Commissioner Seel indicated that the length of the process was an issue with the Pinellas Assembly; and that home rule is an important issue; whereupon, Attorney Churuti interjected that the matter was placed before the electorate on two occasions, and was voted down each time.

Chairman Bomstein recommended that the members consider the specific issues in redeveloping the county that the current charter prohibits, and whether there are matters that have been overlooked relative to charter revisions that would enable the redevelopment process to proceed more smoothly; stated that at a recent meeting with the new members there was discussion regarding addressing the systemic issues of the charter, the involvement of the legislature in the charter amendment process, and the restrictions versus the functional issues of the charter.

In response to query by Senator Sebesta, Mr. Spitzer stated that the definition of home rule is that the electorate is empowered to adopt the same sort of amendments in the future as any of the other 18 charter counties; that the only systemic differences in the Pinellas County charter and other charter counties are the requirement that amendments affecting the transfer of policy to the countywide level must be adopted by a "dual vote," and the provision that any amendments affecting the constitutional officers must first go to the legislature for approval before they can be placed before the voters for their consideration; and that home rule authority would be vested to the voters. Discussion ensued with regard to voluntary and non-voluntary annexations, during which Attorney Churuti indicated that non-voluntary annexations are governed by Chapter 163.

OVERVIEW OF PINELLAS COUNTY GOVERNMENT

County Administrator Stephen M. Spratt conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided an overview of the functions of Pinellas County government. He noted that the BCC has a strategic planning effort underway relative to how the government would be structured, and to position itself to deal with priority problems; whereupon, he described six strategic focus areas, and stated that public opinion research has been conducted; and that the information may be of help to the CRC as it goes through its deliberations.

February 28, 2005

In response to query by Councilmember Bryan, Commissioner Latvala stated that the focus areas referred to by Mr. Spratt were for informational purposes; and Mr. Spitzer indicated that some issues from the BCC process may be passed on to the CRC for its consideration. In response to query by Mr. Harrell, Chairman Bomstein indicated that public safety would be discussed only to the extent that the charter inhibits a current ability to effectively and efficiently run the county.

Discussion ensued regarding consolidation of services, during which Attorney Churuti indicated that the type of consolidation being considered would determine whether legislative approval would be required; and that each issue would necessitate an independent opinion; whereupon, Chairman Bomstein indicated that the matter would be discussed further at the CRC's next meeting.

OVERVIEW OF LOCAL BOARDS, AUTHORITIES, AND DISTRICTS

Deviating from the agenda, Chairman Bomstein directed that agenda Item No. 5 be considered at this time. Attorney Churuti referred to documents titled *Analysis of Special District Dissolution and Boards, Authorities and Special Districts*, copies of which have been filed and made a part of the record. She reviewed the process for dissolution of special districts and provided background information relative to the creation of special districts, noting that special districts were created prior to the adoption of the Charter, and stated that the legislature made a decision to regulate special districts and define the districts as dependent or independent; that special districts defined by the Department of Community Affairs (DCA) as independent can only be amended by the legislature, whereupon, she identified the 16 special districts and indicated which were designated dependent, independent, or undefined. In response to query by Councilmember Bryan, Attorney Churuti indicated that every Florida county is regulated by Chapter 189 and has to go to the legislature regarding matters related to independent special districts; and that Pinellas County has had four special districts dissolved.

Continuing her presentation Attorney Churuti stated that a 1999 legislative charter change allowed for charter amendments to be placed directly on the ballot, and returned the legislature's powers, other than those related to constitutional officers, to the county; that it is unclear whether those powers were given back to the CRC; that Pinellas is the only Florida county that has the additional "function, service, power or regulatory authority" dual referendum requirement; and that the Pinellas Park Water Management District is in the process of being dissolved. Responding to query by Chairman Bomstein and Mr. Wilson, Attorney Churuti indicated which special districts imposed a tax, and

February 28, 2005

stated that Chief Assistant County Attorney James L. Bennett has prepared a matrix relative to special districts.

Thereupon, Chairman Bomstein stated that Attorney Bennett will provide an in-depth discussion of the matter at the March 7 meeting; and Attorney Churuti added that Senior Assistant County Attorney Dennis Long may be providing assistance in the presentation.

REVIEW OF MGT/ASSEMBLY REPORTS AND MGT REPORT - ESTIMATED COST TO UPDATE - CONTINUED TO MEETING OF MARCH 7, 2005

Chairman Bomstein directed that agenda Item No. 5 be continued to the meeting of March 7, as well as the accompanying MGT Report - Estimated Cost to Update listed under agenda item No. 7, Administrative Matters.

RESPONSES FOR LEGAL SERVICES

Chairman Bomstein referred to an issue raised at the last meeting relative to engaging a neutral attorney from outside the area, and stated that it was requested that Mr. Spitzer provide a list of potential attorneys and their hourly rates for the members' consideration; whereupon, Mr. Spitzer related that he contacted three firms; that he has received proposals from the firms of Gray Robinson, and Cobb & Cole, which included the resumes and hourly rates for Thomas J. Wilkes, P.A., and C. Allen Watts, P.A., respectively; and that should the members wish to proceed further, the attorneys could be invited to attend the next meeting.

In response to a query of the members by Chairman Bomstein, Commissioner Latvala, Messrs. Wilson and Harrell indicated they did not wish to proceed; whereupon, Councilmember Bryan and Mr. Kwall indicated that they felt there was a conflict of interest with Attorney Churuti in that she represents the BCC; and that their preference was to engage outside legal counsel for the CRC. Following discussion, Mr. Jirotko moved, seconded by Commissioner Latvala, that Attorney Churuti be retained as primary legal counsel; and that should an issue arise that the members wished to be advised on separately, local counsel could be sought. Further discussion ensued during which Commissioner Latvala called the question; whereupon, Mr. Jirotko clarified that his motion was to retain the services of the County Attorney's Office. Chairman Bomstein restated that the motion was to continue to utilize the County Attorney's Office as counsel to the CRC, reserving the right to seek outside counsel from time to time as

February 28, 2005

deemed necessary by the members. Upon call for the vote, the motion carried 7 - 3 with Mr. Kwall, Councilmember Bryan, and Sheriff Coats casting the dissenting votes.

In response to query by Chairman Bomstein, Mr. Spitzer explained that the rationale for consulting the firms from which proposals were received was that he was aware of the firms' expertise in working with charter review commissions and county charter studies; whereupon, he provided information relative to the experience of the respective attorneys.

Following discussion relative to the hiring of an outside attorney, Attorney Churuti indicated that she would contact the cities' charter review commissions to find out which law firm represented them, noting that the City of St. Petersburg utilized its internal attorney's office; and Mr. Harrell agreed to request that local law firms submit any personnel they may have that have expertise in working with charter review commissions. Responding to query by Ms. Cole, Mr. Spitzer stated that his primary function is to serve as a facilitator, and advisor as to practices in other charter county jurisdictions.

Thereupon, Chairman Bomstein directed that Mr. Harrell and Attorney Churuti provide their findings to Mr. Spitzer; and that Mr. Spitzer distribute the information to the other members.

DISCUSSION OF CALENDAR

Chairman Bomstein referred to the meeting dates through August 15 and noted that two of the meetings will be held on Tuesday evenings, which he believes will not interfere with the BCC meetings; that he will assign alternate venues for approximately 50 percent of the meetings in order to provide greater accessibility for the general public to attend; and that he will provide the information at the next meeting.

OTHER BUSINESS

At the request of the Chairman, Mr. Harrell summarized his e-mail dated February 23 and stated that he felt there should be a maximum effort to gain consensus among all parties involved in the charter review process; and that he proposes a countywide strategic planning group comprised of the cities, the county, the constitutional officers, and the legislative delegation that only act with consensus, which would provide centralized strategic planning by the four entities.

February 28, 2005

Chairman Bomstein referred to correspondence received from Mayor Robert Jackson, City of Largo, a copy of which has been filed and made a part of the record, and stated that the letter indicated that:

- the City supports the recommendation of hiring and use of an attorney independent of the County Attorney's Office
- the meetings should be televised
- the meetings be held in different locations
- the cities be communicated with throughout the process
- the removal of the dual vote requirement is not recommended

In response to query by Chairman Bomstein relative to serving on a subcommittee to work with the cities, Mr. Kwall indicated that he felt discussion should occur with the legislature first in order to determine what the delegation would or would not allow; whereupon, discussion ensued with regard to home rule and to whom the authority should be granted, during which Chairman Bomstein indicated that the process to effect change to the charter is encumbered by the requirement that the legislature first approve taking issues to the voters, and inquired of Senator Sebesta whether the legislature would be willing to relinquish the requirement so that citizens could vote on charter amendments resulting from the review process. Senator Sebesta indicated that there will be a delegation meeting in Tallahassee at which he would be happy to pose the question; that he recommends that some of the CRC members attend the meeting; and that he would notify the members once the date is set; whereupon, Chairman Bomstein indicated that the CRC would be represented.

During discussion regarding an appropriate process to communicate the issues to the affected parties, Mr. Wilson and Commissioner Latvala offered proposals; whereupon, Senator Sebesta reminded the members that in the 2007 session approximately one-half of the current legislative body will have changed; and that there would be a new voting bloc that may not be familiar with charter issues.

ADJOURNMENT

The meeting was adjourned at 7:22 P.M.

Clearwater, Florida, February 28, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, Second Floor Conference Room, 509 East Avenue South, Clearwater at 5:04 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
Ricardo Davis, Vice-Chairman
Jim Sebesta, State Senator
James F. Coats, Sheriff
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Katie Cole
Roy Harrell
George Jirotko
Louis Kwall - via Conference Call
Roger Wilson

Absent:

Karen Burns
Robert C. Decker

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Stephen M. Spratt, County Administrator
Elithia V. Stanfield, Assistant County Administrator
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
Barbara Sokolowski, Board Reporter

February 28, 2005

AGENDA

1. Welcome
2. Presentations
 - Commissioner John Morroni
 - Commissioner Karen Seel
3. Overview of Pinellas County Government
4. Pinellas Assembly Process
5. Review of MGT/Assembly Reports
6. Overview of Local Boards, Authorities and Districts
7. Administrative Matters
 - MGT Report - Estimated Cost to Update
 - Responses for Legal Services
 - Discussion of Calendar
8. Other Business
9. Adjournment

WELCOME

Chairman Bomstein called the meeting to order, and welcomed the members.

PINELLAS ASSEMBLY PROCESS

Deviating from the agenda, Chairman Bomstein directed that agenda Item No. 4 be considered; whereupon, Assistant County Administrator Elithia V. Stanfield referred to documents titled *Pinellas Assembly Task Forces' Report Summary*, and *Pinellas Assembly Timeline*, copies of which have been filed and made a part of the record, and provided an overview of the Pinellas Assembly process and the overall conclusion. She stated that a letter had been sent from the chairs of the Board of County Commissioners (BCC) and the Mayors' Council requesting resolutions for areas of

February 28, 2005

agreement topics for further discussion; that 12 resolutions have been received to date; and that staff would be following up with the remaining municipalities and preparing a final document. In response to query by Mr. Wilson, Ms. Stanfield indicated that nearly everyone was in agreement with the recreation, law enforcement and healthcare areas; and that in regard to annexation, one area agreed upon was relative to providing sufficient notice to the community during the process. Following comments by Chairman Bomstein, Ms. Stanfield suggested that the task force chairs be invited to attend the meetings as the CRC begins to consider each of the task forces' recommendations.

PRESENTATIONS

Commissioner Morroni

Commissioner Morroni summarized the issues that he felt needed to be addressed by the CRC, which included home rule, transportation, less legislative involvement in local government issues, duplication of services, and a reduction in the number of special districts. Referring to comments by Commissioner Morroni with regard to the Pinellas Suncoast Transit Authority (PSTA) issue, Senator Sebesta indicated that he is in favor of a countywide bus system; that there is considerable opposition to the issue; that he would like to meet with the affected parties as soon as possible after the legislative session ends to discuss the matter in a public hearing forum; and that he agrees that transportation is the number one issue in the county; whereupon, he provided examples of two transportation projects that have been fully funded.

Discussion ensued with regard to the PSTA and issues associated with the failure of the bill to change the make-up of the PSTA Board, prioritization and funding of projects, and local versus federal funding, during which Commissioner Morroni indicated that the BCC has recently voted on its transportation priorities; and Commissioner Latvala indicated that the BCC would address funding issues.

Commissioner Seel

Commissioner Seel expressed appreciation to the members for the time commitment they have made to serve on the CRC; whereupon, she referred to an e-mail received from Mr. Harrell, a copy of which has been filed and made a part of the record, and stated that the county is embarking on strategic planning; and that she would like to see the legislative delegation, constitutional officers, the cities, and the county work together to determine if there are matters that can be mutually agreed upon. She described the Pinellas Assembly process, and stated that the time period was lengthened

February 28, 2005

so that the issues could go out to the cities in order to obtain their input; that resolutions by the cities have been requested to indicate whether they endorse the agreed-upon issues; that complete consensus has not been attained; that the topics from the Pinellas Assembly continue to be the most important relative to transportation, law enforcement, emergency medical/fire services, and annexation. In response to query by the members, Commissioner Seel indicated that the length of the process was an issue with the Pinellas Assembly; and that home rule is an important issue; whereupon, Attorney Churuti interjected that the matter was placed before the electorate on two occasions, and was voted down each time.

Chairman Bomstein recommended that the members consider the specific issues in redeveloping the county that the current charter prohibits, and whether there are matters that have been overlooked relative to charter revisions that would enable the redevelopment process to proceed more smoothly; stated that at a recent meeting with the new members there was discussion regarding addressing the systemic issues of the charter, the involvement of the legislature in the charter amendment process, and the restrictions versus the functional issues of the charter.

In response to query by Senator Sebesta, Mr. Spitzer stated that the definition of home rule is that the electorate is empowered to adopt the same sort of amendments in the future as any of the other 18 charter counties; that the only systemic differences in the Pinellas County charter and other charter counties are the requirement that amendments affecting the transfer of policy to the countywide level must be adopted by a "dual vote," and the provision that any amendments affecting the constitutional officers must first go to the legislature for approval before they can be placed before the voters for their consideration; and that home rule authority would be vested to the voters. Discussion ensued with regard to voluntary and non-voluntary annexations, during which Attorney Churuti indicated that non-voluntary annexations are governed by Chapter 163.

OVERVIEW OF PINELLAS COUNTY GOVERNMENT

County Administrator Stephen M. Spratt conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record, and provided an overview of the functions of Pinellas County government. He noted that the BCC has a strategic planning effort underway relative to how the government would be structured, and to position itself to deal with priority problems; whereupon, he described six strategic focus areas, and stated that public opinion research has been conducted; and that the information may be of help to the CRC as it goes through its deliberations.

February 28, 2005

In response to query by Councilmember Bryan, Commissioner Latvala stated that the focus areas referred to by Mr. Spratt were for informational purposes; and Mr. Spitzer indicated that some issues from the BCC process may be passed on to the CRC for its consideration. In response to query by Mr. Harrell, Chairman Bomstein indicated that public safety would be discussed only to the extent that the charter inhibits a current ability to effectively and efficiently run the county.

Discussion ensued regarding consolidation of services, during which Attorney Churuti indicated that the type of consolidation being considered would determine whether legislative approval would be required; and that each issue would necessitate an independent opinion; whereupon, Chairman Bomstein indicated that the matter would be discussed further at the CRC's next meeting.

OVERVIEW OF LOCAL BOARDS, AUTHORITIES, AND DISTRICTS

Deviating from the agenda, Chairman Bomstein directed that agenda Item No. 5 be considered at this time. Attorney Churuti referred to documents titled *Analysis of Special District Dissolution and Boards, Authorities and Special Districts*, copies of which have been filed and made a part of the record. She reviewed the process for dissolution of special districts and provided background information relative to the creation of special districts, noting that special districts were created prior to the adoption of the Charter, and stated that the legislature made a decision to regulate special districts and define the districts as dependent or independent; that special districts defined by the Department of Community Affairs (DCA) as independent can only be amended by the legislature, whereupon, she identified the 16 special districts and indicated which were designated dependent, independent, or undefined. In response to query by Councilmember Bryan, Attorney Churuti indicated that every Florida county is regulated by Chapter 189 and has to go to the legislature regarding matters related to independent special districts; and that Pinellas County has had four special districts dissolved.

Continuing her presentation Attorney Churuti stated that a 1999 legislative charter change allowed for charter amendments to be placed directly on the ballot, and returned the legislature's powers, other than those related to constitutional officers, to the county; that it is unclear whether those powers were given back to the CRC; that Pinellas is the only Florida county that has the additional "function, service, power or regulatory authority" dual referendum requirement; and that the Pinellas Park Water Management District is in the process of being dissolved. Responding to query by Chairman Bomstein and Mr. Wilson, Attorney Churuti indicated which special districts imposed a tax, and

February 28, 2005

stated that Chief Assistant County Attorney James L. Bennett has prepared a matrix relative to special districts.

Thereupon, Chairman Bomstein stated that Attorney Bennett will provide an in-depth discussion of the matter at the March 7 meeting; and Attorney Churuti added that Senior Assistant County Attorney Dennis Long may be providing assistance in the presentation.

REVIEW OF MGT/ASSEMBLY REPORTS AND MGT REPORT - ESTIMATED COST TO UPDATE - CONTINUED TO MEETING OF MARCH 7, 2005

Chairman Bomstein directed that agenda Item No. 5 be continued to the meeting of March 7, as well as the accompanying MGT Report - Estimated Cost to Update listed under agenda item No. 7, Administrative Matters.

RESPONSES FOR LEGAL SERVICES

Chairman Bomstein referred to an issue raised at the last meeting relative to engaging a neutral attorney from outside the area, and stated that it was requested that Mr. Spitzer provide a list of potential attorneys and their hourly rates for the members' consideration; whereupon, Mr. Spitzer related that he contacted three firms; that he has received proposals from the firms of Gray Robinson, and Cobb & Cole, which included the resumes and hourly rates for Thomas J. Wilkes, P.A., and C. Allen Watts, P.A., respectively; and that should the members wish to proceed further, the attorneys could be invited to attend the next meeting.

In response to a query of the members by Chairman Bomstein, Commissioner Latvala, Messrs. Wilson and Harrell indicated they did not wish to proceed; whereupon, Councilmember Bryan and Mr. Kwall indicated that they felt there was a conflict of interest with Attorney Churuti in that she represents the BCC; and that their preference was to engage outside legal counsel for the CRC. Following discussion, Mr. Jirotko moved, seconded by Commissioner Latvala, that Attorney Churuti be retained as primary legal counsel; and that should an issue arise that the members wished to be advised on separately, local counsel could be sought. Further discussion ensued during which Commissioner Latvala called the question; whereupon, Mr. Jirotko clarified that his motion was to retain the services of the County Attorney's Office. Chairman Bomstein restated that the motion was to continue to utilize the County Attorney's Office as counsel to the CRC, reserving the right to seek outside counsel from time to time as

February 28, 2005

deemed necessary by the members. Upon call for the vote, the motion carried 7 - 3 with Mr. Kwall, Councilmember Bryan, and Sheriff Coats casting the dissenting votes.

In response to query by Chairman Bomstein, Mr. Spitzer explained that the rationale for consulting the firms from which proposals were received was that he was aware of the firms' expertise in working with charter review commissions and county charter studies; whereupon, he provided information relative to the experience of the respective attorneys.

Following discussion relative to the hiring of an outside attorney, Attorney Churuti indicated that she would contact the cities' charter review commissions to find out which law firm represented them, noting that the City of St. Petersburg utilized its internal attorney's office; and Mr. Harrell agreed to request that local law firms submit any personnel they may have that have expertise in working with charter review commissions. Responding to query by Ms. Cole, Mr. Spitzer stated that his primary function is to serve as a facilitator, and advisor as to practices in other charter county jurisdictions.

Thereupon, Chairman Bomstein directed that Mr. Harrell and Attorney Churuti provide their findings to Mr. Spitzer; and that Mr. Spitzer distribute the information to the other members.

DISCUSSION OF CALENDAR

Chairman Bomstein referred to the meeting dates through August 15 and noted that two of the meetings will be held on Tuesday evenings, which he believes will not interfere with the BCC meetings; that he will assign alternate venues for approximately 50 percent of the meetings in order to provide greater accessibility for the general public to attend; and that he will provide the information at the next meeting.

OTHER BUSINESS

At the request of the Chairman, Mr. Harrell summarized his e-mail dated February 23 and stated that he felt there should be a maximum effort to gain consensus among all parties involved in the charter review process; and that he proposes a countywide strategic planning group comprised of the cities, the county, the constitutional officers, and the legislative delegation that only act with consensus, which would provide centralized strategic planning by the four entities.

February 28, 2005

Chairman Bomstein referred to correspondence received from Mayor Robert Jackson, City of Largo, a copy of which has been filed and made a part of the record, and stated that the letter indicated that:

- the City supports the recommendation of hiring and use of an attorney independent of the County Attorney's Office
- the meetings should be televised
- the meetings be held in different locations
- the cities be communicated with throughout the process
- the removal of the dual vote requirement is not recommended

In response to query by Chairman Bomstein relative to serving on a subcommittee to work with the cities, Mr. Kwall indicated that he felt discussion should occur with the legislature first in order to determine what the delegation would or would not allow; whereupon, discussion ensued with regard to home rule and to whom the authority should be granted, during which Chairman Bomstein indicated that the process to effect change to the charter is encumbered by the requirement that the legislature first approve taking issues to the voters, and inquired of Senator Sebesta whether the legislature would be willing to relinquish the requirement so that citizens could vote on charter amendments resulting from the review process. Senator Sebesta indicated that there will be a delegation meeting in Tallahassee at which he would be happy to pose the question; that he recommends that some of the CRC members attend the meeting; and that he would notify the members once the date is set; whereupon, Chairman Bomstein indicated that the CRC would be represented.

During discussion regarding an appropriate process to communicate the issues to the affected parties, Mr. Wilson and Commissioner Latvala offered proposals; whereupon, Senator Sebesta reminded the members that in the 2007 session approximately one-half of the current legislative body will have changed; and that there would be a new voting bloc that may not be familiar with charter issues.

ADJOURNMENT

The meeting was adjourned at 7:22 P.M.

Clearwater, Florida, February 17, 2005

A meeting of the new members of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Clerk's Large Conference Room, Fourth Floor, Clearwater Courthouse, 315 Court Street, Clearwater, at 12:00 P.M. on this date with the following members in attendance:

Alan Bomstein, Chairman
James F. Coats, Sheriff
Karen Burns
Katie Cole

Absent:

None

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
MaryAnn Penhale, Board Reporter

CHARTER GOVERNMENT OVERVIEW

At the direction of Chairman Bomstein, Mr. Spitzer conducted a PowerPoint presentation titled *Charter Government Overview*, a copy of which has been filed and made a part of the record; and reviewed basic information related to charter government in general as well as specific matters regarding the Pinellas County Charter. During the presentation, Mr. Spitzer and Attorneys Churuti and Bennett discussed the following issues in response to comments and queries by the members:

- Dillon's rule versus home rule
- powers of self-government prohibited or pre-empted by the State under home rule
- alcohol issues
- enumerated powers of the county and its ability to regulate

February 17, 2005

- countywide and municipal laws and enforcement mechanisms
- local initiative regarding term limits
- limited home rule charter
- vote of Pinellas County electorate necessary for adoption or amendment of charter
- dual referendum requirement regarding transfer of function or power
- countywide authority or programs re various Florida county charters
- charter provision regarding city ordinances prevailing over county ordinances unless enumerated
- adult use ordinance applicable to unincorporated area
- communication concerns re amendments to charter which benefit countywide residents and do not automatically serve to the detriment of municipality residents
- issues related to changes regarding Constitutional Officers
- residency requirements for elected officials and statewide election code requirements
- litigation re term limits issue in Sarasota County – future updates to be provided by County Attorney
- powers retained by the state legislature
- policy questions related to County Administrator re hiring, firing, noninterference, and termination procedure
- policy questions concerning county officers, elected charter officers, and appointed charter officers
- changes made by legislative delegation to recommendations of 1998 CRC
- issues re uniform traffic signalization
- possible option of repealing current charter and adopting new charter through vote of electorate

February 17, 2005

- consideration of pursuit of full home rule charter (which would include amendments re dual vote and removing legislature from matters related to Constitutional Officers)
- time frame related to work of CRC
- future meeting schedule

ADJOURNMENT

The meeting was adjourned at 1:30 P.M.

Clearwater, Florida, February 7, 2005

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held in the Swisher Building, First Floor Conference Room, 509 East Avenue South, Clearwater at 5:04 P.M. on this date with the following members in attendance:

Robert C. Decker, Chairman
Louis Kwall, Vice-Chairman
James F. Coats, Sheriff
Susan Latvala, County Commissioner
John Bryan, City of St. Petersburg Councilmember
Alan Bomstein
Karen Burns
Katie Cole
Ricardo Davis
Roy Harrell
George Jirotko
Roger Wilson

Absent:

Jim Sebesta, State Senator

Also Present:

Susan H. Churuti, County Attorney
James L. Bennett, Chief Assistant County Attorney
Betsy Steg, Senior Assistant County Attorney
Dennis Long, Senior Assistant County Attorney
Geoff Hamlin, Legal Assistant
Bob Adikes, Legal Assistant
Chris Staubus, Assistant Director, Utilities
Kurt Spitzer, KS&A
Other interested individuals
MaryAnn Penhale, Board Reporter

February 7, 2005

AGENDA

1. Welcome and Introduction of Members and Staff
2. Review of Florida's "Sunshine" Law
3. Elections of Chair and Vice-Chair
4. Overview of Florida County Charters
5. Review of Role and Scope of the Reconstituted CRC
6. Discussion of Process for the CRC
7. Meeting Dates, Times, and Locations
8. Other Business

WELCOME AND INTRODUCTION OF MEMBERS AND STAFF

Chairman Decker welcomed those in attendance; and at his request, the members and staff introduced themselves; whereupon, he circulated a chart of contact information and requested that any necessary corrections be made regarding addresses and phone numbers.

REVIEW OF FLORIDA'S "SUNSHINE" LAW

Attorney Churuti referred to a handout document titled *Pinellas Charter Review Commission, February 7, 2005*, a copy of which has been filed and made a part of the record; and provided a brief overview of the Sunshine Law with reference to public meetings and public records; whereupon, she informed the members that they are not required to file financial disclosure. Responding to queries by Mr. Kwall, she discussed issues related to e-mail communications.

ALAN BOMSTEIN ELECTED CHAIRMAN; RICARDO DAVIS ELECTED VICE-CHAIRMAN

Chairman Decker indicated that if nominated, he would not accept the chairmanship; whereupon, Commissioner Latvala nominated Mr. Bomstein to serve as Chairman; seconded by Mr. Kwall. No one responded to the Chairman's call for other nominations;

February 7, 2005

and upon call for the vote, the motion carried unanimously; and he declared the election of Mr. Bomstein as Chairman by acclamation.

Chairman Bomstein assumed the gavel and entertained nominations for the election of a Vice-Chairman; whereupon, Mr. Kwall suggested selection of an individual from South County.

Thereupon, Mr. Harrell nominated Mr. Davis for the office of Vice-Chairman; seconded by Mr. Kwall and carried.

OVERVIEW OF FLORIDA COUNTY CHARTERS/REVIEW OF ROLE AND SCOPE OF THE RECONSTITUTED CRC/DISCUSSION OF PROCESS FOR THE CRC

Mr. Spitzer conducted a PowerPoint presentation titled *Charter Government Overview, Pinellas County Charter Review Commission, February 7, 2005*, a copy of which has been filed and made a part of the record. In response to query by Mr. Kwall, he indicated that it would be difficult to meet with the legislative delegation at the present time; and that meetings could begin soon after the current session is ended. Responding to a request by Ms. Burns, he indicated that he would provide a copy of the presentation.

In response to query by Chairman Bomstein, Mr. Kwall confirmed that consideration of whether to actively pursue home rule is one of the key issues to be addressed at future meetings. Discussion ensued regarding the role of the legislative delegation and the issue of transportation authority, with historical background information provided by the members regarding the governance structure of the Pinellas Suncoast Transit Authority (PSTA), the differences between special charter and home rule charters, and the one charter amendment which had not been approved by the voters.

Referring to the document distributed earlier in the meeting, Attorney Churuti reviewed section IV, "Role, Scope and Process of Charter Review Commission – Original Charter," as outlined in items A through R; Resolution No. 3 related to continuing the engagement of the current consultant and directing that meetings be held with municipal governments, the Mayors' Council and the legislative delegation; and Charter Amendment No. 5 regarding reconstitution of the CRC. Responding to query by the Chairman, she discussed the parameters of the requirement regarding meetings with municipal officials and the legislative delegation. Discussion ensued regarding the issues of achieving consensus, obtaining input, and addressing the matter of communication.

Responding to query by Chairman Bomstein, Mr. Spitzer related that the previous CRC had considered a majority plus one of those members present as constituting a voting

February 7, 2005

majority for votes regarding amendments; whereupon, the members provided additional input regarding the voting procedures of last year, including attendance by telephone.

Further discussion ensued; whereupon, Councilmember Bryan moved that the same voting procedure as last year be followed; and that a majority of members must be present for the final vote. Pursuant to additional deliberations, Councilmember Bryan amended his motion to require two-thirds of the members to be present at the final meeting. Chairman Bomstein indicated that a majority plus one, with a minimum of eight, should constitute a voting majority; whereupon, Councilmember Bryan amended his motion to encompass a minimum of eight. Chairman Bomstein restated the motion to indicate that voting on all matters, including procedural items and issues for consideration, discussion, and amendment, shall require a simple majority of those present; and that votes regarding moving forward with amendments for consideration shall consist of a majority plus one, with an absolute minimum of eight; seconded by Sheriff Coats and carried.

At the request of Chairman Bomstein, the members offered their comments regarding the 2004 CRC, including any suggested changes, as follows:

- need to address meaningful subjects
- presentation re update of MGT report
- presentation re economic development and redevelopment
- disappointment in Pinellas Assembly process
- time constraints
- proposed charter amendment to have CRC session last 18 months
- need to emphasize transportation matters
- inviting all seven county commissioners to make a presentation to the CRC
- consideration of engaging a neutral attorney from outside the area
- scheduling a “catch-up” meeting for new members
- scheduling meetings approximately every three weeks
- prioritizing the agenda
- special acts and home rule issues

February 7, 2005

- short- and long-term issues related to communication and consensus
- the Pinellas County charter and countywide authority
- fire service issues
- appointing smaller subcommittees to work on specific issues

Mr. Kwall requested that at the next meeting Mr. Spitzer provide a list of potential attorneys and their hourly rates for the members' consideration.

Mr. Wilson suggested that meetings be held twice a month initially and then once a month later on; that the members identify and prioritize issues at the next meeting; and that the municipalities be notified of meeting dates, times, and agendas, and be invited to attend.

Commissioner Latvala indicated that all members should have a copy of the charter to reread; and referring to comments by Councilmember Bryan, indicated that the county commissioners may not wish to provide direction to the citizens group reviewing the charter.

Mr. Harrell reiterated concerns regarding the best means of obtaining input from the cities; and in response to query by Ms. Burns, Mr. Staubus indicated that the county website contains information regarding the CRC. Alluding to Mr. Harrell's comment, Mr. Spitzer stated that a workable mechanism is needed to facilitate ongoing dialog with the cities; and referring to the Mayors' Council, indicated that a somewhat smaller designated group meeting on a regular, frequent basis might be feasible.

MEETING DATES, TIMES AND LOCATIONS

Chairman Bomstein discussed time constraints related to the work of the CRC; whereupon, Mr. Kwall moved that meetings be held twice a month until further vote of the members. During discussion, Chairman Bomstein announced his intention to have meetings of two hours duration; and Mr. Harrell expressed a preference for creating subcommittees as suggested by Mr. Kwall. Following discussion, Chairman Bomstein noted consensus to meet twice a month at 5:00 P.M. on Mondays; and indicated that a preliminary calendar will be published.

February 7, 2005

OTHER BUSINESS

Chairman Bomstein requested that at the next meeting, Mr. Spitzer present an overview of special acts; and that he report regarding the feasibility of obtaining an update of the MGT study to be provided within a reasonable time at a reasonable cost. Noting the consensus of the members, he requested that Mr. Spitzer also present options regarding engaging another attorney.

Mr. Harrell raised the issue of location of future meetings; whereupon, Mr. Kwall moved that the members continue to meet at the present location, seconded by Commissioner Latvala. During discussion, Mr. Harrell suggested some rotation of meeting locations; and Councilmember Bryan offered several suggestions; whereupon, Chairman Bomstein indicated that he will look into the matter and present proposed action at the next meeting.

Following discussion, Chairman Bomstein announced that the next meeting will be held on Monday, February 28 at 5:00 P.M. at the same location.

ADJOURNMENT

The meeting was adjourned at 7:16 P.M.