Report to the Citizens

of

Pinellas County

Draft vers. 1.8

2015-2016 Pinellas County Charter Review Commission

June 2016

TABLE OF CONTENTS

Section	Title	Page
I	Introduction	3
II	CRC Members and Staff	4
III	Summary of Charter Review Commission Actions	5
IV	Amendments Approved by the 2015-2016 CRC To Be Voted On In The 2016 General Election	14
Appendix A	Table of CRC Meetings and Public Hearings	27
Appendix B	Current Pinellas County Charter	28
Appendix C	2015-2016 CRC Operating Rules	41
Appendix D	Process for Moving a Topic Forward	42
Appendix E	Table of Charter Topics Discussed	43
Appendix F	Memo: Recall Provision	48
Appendix G	Memo: Consolidation of Services	55
Appendix H	Research: Comparison of Counties on Recall Elections	68
Appendix I	Research: Comparison of Counties on Partisan/Non-Partisan Elections	70
Appendix J	Research: Charter Counties with Fiscal Impact Analysis Specified	73
Appendix K	Meeting Agendas and Minutes	75
Appendix L	Considerations for Future CRC Process and Training	xx

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SECTION I

INTRODUCTION

This Report is provided pursuant to Section 6.03 of the Pinellas County Charter ("Charter") which requires that a Charter Review Commission (CRC) be appointed every eight years to review the Charter and all aspects of Pinellas County's government on behalf of the citizens of Pinellas County. The CRC is authorized to place proposed amendments and revisions to the Pinellas County Charter on the 2016 general election ballot. Such proposed amendments do not require approval from the Board of County Commissioners (BoCC). As amendments are not required to follow a "single subject" rule, multiple issues may be included in a single ballot question. The CRC may also take action in the form of advisory recommendations and requests or resolutions to the County or other entities.

The purpose of the report is twofold: 1. To provide the BoCC information on current topics of interest and the thought process used by the Charter Review Commission in reaching its decisions to move a topic forward or not; and 2. To provide a historical reference for future charter review commissions. Some topics may continue to reappear before charter review commissions, and the report will provide history and research considered by the current CRC when reaching its decisions.

The 2015-2016 CRC has chosen to place 6 referendum items on the ballot for consideration by Pinellas County voters. This decision was reached after holding 14 commission meetings and after receiving input from county officials, staff, representatives of community organizations, members of the public and other interested parties. Two public hearings were conducted as required by the Charter which resulted in xxxx xxxx xxxx xxxx.

This report contains a summary of the topics discussed and actions taken by the Charter Review Commission, described in Section IV, Summary of Charter Review Commission Actions.

The CRC consists of 13 members from the following groups of people (as outlined in Section 6.03(a) of the Charter).

- 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 a County Commissioner; and
- Nine members from the public at-large, none of whom may be an elected official.

Robert's Rules of Order governed the operations of the CRC. However, a policy was adopted requiring a majority-plus-one vote of those CRC members present (with not less than eight affirmative votes) in order for a referendum for a charter amendment to move forward in the process. See Appendices C and D for the 2015-2016 CRC's operating rules.

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SECTION II

CRC Members and Staff

Member	Residence	Representing
Dr. James Olliver, Chair	Seminole	Public At-Large
Thomas Steck, Vice Chair	St. Petersburg	Public At-Large
Larry Ahern	St. Petersburg	Pinellas Legislative Delegation
Johnny Bardine	St. Petersburg	Public At-Large
Keisha Bell	St. Petersburg	Public At-Large
Sandra Lee Bradbury	Pinellas Park	Elected City Official
Ken Burke	Seminole	County Constitutional Officer
Ashley Caron	Largo	Public At-Large
Barclay Harless	St. Petersburg	Public At-Large
Janet C. Long	Seminole	County Commissioner
Todd Pressman	Oldsmar	Public At-Large
Dr. James Sewell	St. Petersburg	Public At-Large
Joshua Shulman	St. Petersburg	Public At-Large

Staff

Diane Meiller & Associates, Inc. of Orlando, FL, provided consulting and facilitation services.

Sara Brady Public Relations, working with Diane Meiller & Associates, handled media relations.

Wade Vose of Vose Law Firm LLP of Winter Park, FL, served as legal counsel.

Mary Scott Hardwick, Intergovernmental Liaison and the staff of the County Administrator's Office provided research assistance and logistical support.

Meetings of the CRC were recorded and minutes prepared by the staff of the Board Records Department of the Clerk of the Circuit Court.

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SECTION III

SUMMARY OF CHARTER REVIEW COMMISSION ACTIONS

The Charter Review Commission (CRC) considered the issues identified below during the course of its deliberations. A brief summary of the subject and its disposition are included with each topic.

Topics Reviewed and Recommended for Charter Amendment

1. Clean Up of Obsolete Charter Provisions Due to Unconstitutionality or Passage of Time: The first topic addressed by the CRC was a review of current language in the Charter which is now obsolete.

   Discussion/Research: A presentation was made by Chief Assistant Pinellas County Attorney Jewel White, reviewing several sections of the Charter which have obsolete language.

   a. Two sections of the Charter which had dealt with annexation were challenged and a court of law determined them to be unconstitutional. Both sections are now listed as "Reserved" in the version maintained by Municode.
      i. Section 2.04(4)
      ii. Section 2.07
   b. Three sections now obsolete due to passage of time are:
      i. Section 3.01 Board of County Commissioners- There is no need to continue to state that the board will be "…increased from five commissioners …" and there is no need to continue to indicate how initial redistricting should be accomplished since both actions have already occurred.
      ii. Section 5.02(b) Special Laws- This section lists several boards, authorities, districts and councils, some of which have been renamed or no longer exist. Clean up would involve removing reference to Ozona and Palm Harbor from the name of the special fire control district name and removal of the Pinellas Sports Authority which no longer exists.
      iii. Section 2.04(k) references "civil preparedness" and the CRC feels that the term is outdated and better represented by the use of "emergency preparedness."

   Result: A recommended amendment to the Charter is shown in Section IV of this report (Ballot Proposal and Text Revisions for Question #6).

2. Selection of CRC Members: Section 6.03 discusses the composition of the Charter Review Commission membership and frequency for convening.

   Discussion//Research: The Charter does not cover the geographic representation of the CRC membership. There is a desire to formalize this by adding an amendment to the Charter.

   Result: A recommended amendment to the Charter is shown in Section IV of this report (Ballot Proposal and Text Revisions for Question #5).

3. Selection and Review Process for County Attorney: Section 4.02 discusses the County Attorney and that the County Attorney serves at the pleasure of the Board of County Commissioners. However,

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although the County Attorney represents the constitutional officers, the constitutional officers do not have any input in the hiring or firing of the County Attorney.

Discussion//Research: The CRC agreed that the Charter should contain language giving constitutional officers a role in the hiring and firing process.

Result: A recommended amendment to the Charter is shown in Section IV of this report (Ballot Proposal and Text Revisions for Question #4).

4. Redistricting Process: In Pinellas County today, the review of commission district boundaries is tied to the U.S. census results. The census is performed every ten years. When results are received, the County Planning Department, which falls under the responsibility of the County Administrator, evaluates and proposes changes to the districts based upon equal population distribution between districts with an allowable 3% variance. The proposed changes are presented to the Board of County Commissioners which may then accept proposed changes, request modifications to the proposals, or reject any changes.

   Discussion//Research: There is a growing trend with regard to the selection of a Citizen Panel for redistricting. With this in mind, the CRC agreed that the Charter should add a section to define the redistricting process utilizing a citizen advisory board/committee to conduct the process.

   Result: A recommended amendment to the Charter is shown in Section IV of this report (Ballot Proposal and Text Revisions for Question #3).

5. Citizens' Charter Initiative: Section 6 of the Charter discusses how charter amendments can be initiated. One method, as described in Section 6.02, is through a petition process requiring signatures of at least 10% of the registered voters gathered in a 180-day period. (Note: There are other requirements relating to the geographic dispersion of signatories.)

   Discussion/Research: The Charter Review Commission now only meets once every 8 years, lengthening the time for a citizen to propose a charter topic to the Charter Review Commission. More than half of the charter counties require a lesser percentage (than 10%) of registered voters. Amending the Charter would make the process easier for a citizen to bring a referendum before the electorate. The CRC did discuss the removal of other restrictions associated with the distribution of signatures but decided to leave those restrictions intact.

   Result: A recommended amendment to the Charter is shown in Section IV of this report (Ballot Proposal and Text Revisions for Question #1).

6. Fiscal Impact Analysis: Currently the Pinellas County Charter makes no mention of a fiscal impact analysis tied to proposed amendments to the Charter.

   Discussion/Research: Five of the twenty Florida charter counties make some mention of a fiscal impact study associated with charter amendment proposals. In reviewing the language used by the 5 charter counties, the CRC preferred language similar to Broward County's.

   Result: A recommended amendment to the Charter is shown in Section IV of this report (Ballot Proposal and Text Revisions for Question #2).

Topics Reviewed and Not Recommended for Charter Amendment

1. Term Limits: In Pinellas County, currently, neither the Board of County Commissioners nor the Constitutional Officers are subject to term limits. In 2012, the Florida Supreme Court reversed an earlier decision such that term limits can be imposed on Constitutional Officers.

   Discussion/Research: Many members felt that if the electorate were unhappy with an elected official, the official could be voted out of office. This is a fundamental right that the election process provides voting citizens.

   Result: The CRC voted unanimously to remove term limits for Constitutional Officers from consideration. A motion for term limits for county commissioners did not have a second.

2. County Charter Dual Vote Provision: Section 6.04 of the Pinellas County Charter encompasses the transfer of services and regulatory powers between municipalities and county.

   Discussion/Research: Any change to the transfer of services or regulatory power would require approval at the county electorate level and the electorate of each municipality. Removal of the Dual Vote requirement from the County Charter would also be subject to the Dual Vote requirement.

   Result: No amendment is recommended in this area.

3. Selection of CRC Members: This topic was broken down into three parts. A proposed amendment for Part c- Representation, is discussed in the above section "Topics Reviewed and Recommended for Charter Amendment as item #2 (Selection of CRC Members). Parts a and b are discussed below.
   a. Composition of the CRC: The CRC membership includes one County Commissioner, one Constitutional Officer, one elected city official, one member of the Pinellas County Legislative delegation residing in Pinellas County, and 9 members of the public at large, none of whom may be an elected official.

      Discussion/Research: A majority of the CRC agreed they favored the current composition of the CRC membership.

      Result: No amendment is recommended in this area.

   b. Who selects CRC Members: Comments submitted by the Public around this topic included CRC members being elected by the voters of Pinellas County or by selecting volunteers' names from a hat.

      Discussion/Research: All charter counties with a CRC, except one, have their Boards of County Commissioners make the selection.

      Result: No amendment is recommended in this area.

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4. Protection of Human Rights: A discussion on Section 2.02 was held regarding changing language from "sex" to "gender and sexual orientation" and with consideration for handicapped and pregnancy.

   Discussion/Research: The current Pinellas County ordinance 13-21 offers the protections desired.

   Result: No amendment is recommended in this area.

5. Consolidation of Public Services: The topic of Consolidation of Public Services was initiated after a citizen raised the concern about the 18 independent fire districts and asked that consideration be given to consolidating them into a countywide fire department.

   Discussion/Research: Delivery of Fire Services was considered during the 2010 Charter Review Commission meetings. However, a study on the delivery of Fire/EMS services in Pinellas County already was in process through a consultant and the Legislature's Office of Program Policy Analysis and Government Accountability. Legal Counsel shared results of a citizen commission in Orange County which undertook a review of Orange County and City of Orlando services with the goal of making recommendations for consolidation if appropriate. The results showed some of the challenges involved with implementing recommendations. (See Appendix G.)

   The 2015-2016 CRC agreed that the time necessary to gather the information needed to make an informed decision exceeded the timeframe under which the 2015-2016 CRC was operating.

   Result: No amendment is recommended in this area. The CRC does recommend that the County and municipalities work together to develop ways to provide more effective and cost-efficient services to the citizens.

   Data should be gathered that would help the cities and Pinellas County make informed decisions to obtain the maximum efficiency and effectiveness, while maintaining quality of public safety services. Among those agencies/responsibilities for which strong consideration for further coordination and cooperation should be closely given are fire/rescue, law enforcement, public safety communications, and ancillary law enforcement services.

6. Recall Provision for Elected Officers: The Pinellas County Charter currently makes no provision for recall of an elected official; 7 Florida charter counties have a provision.

   Discussion/Research: County commissioners are already subject to recall by state statute, and constitutional officers can be removed by the governor for malfeasance. Three sections of the Pinellas County Charter (Sections 2.06, 4.03, and 6.04) provide unique protections for the Pinellas County constitutional officers. The three provisions, taken together, imply that any amendment to the Charter affecting the status, duties or responsibilities of the constitutional officers may only be placed on the ballot after referral to and approval by the Florida Legislature. If a recall provision were added to the Charter for constitutional officers, it could invite a lawsuit relating to the interpretation of "status" as used in the charter with respect to the constitutional officers, as discussed in Appendix F.

   Result: No amendment is recommended in this area. (See Appendix D for table of Comparison of Counties on Recall Elections.)

7. Partisan/Non-Partisan Elections:

   a. Change election of constitutional officers to non-partisan:

      Discussion/Research: This topic was discussed during the 2010 Charter Review Commission meetings, specifically pertaining to the Supervisor of Elections office. During this CRC's discussions, election of all constitutional offices was considered. The Pinellas County Charter has particular protections for Constitutional Officers. Changing elections ~~for~~ of Constitutional Officers to non-partisan would likely be considered a change in "status," and would be subject to substantial challenge in light of the protections.

      Result: No amendment is recommended in this area. (See Appendix E for table of Comparison of Counties on Partisan/Non-Partisan Elections.)

   b. Change election of all municipal offices to partisan:

      Discussion/Research: While revision to the County Charter could bring about some changes, it is a policy decision on whether the County Charter should become involved in municipal elections. A proposed amendment also would be subject to the Dual Vote requirement as well as a number of provisions under the Florida Election Law.

      Result: No amendment is recommended in this area.

8. Campaigning Restrictions: A proposal to provide some restrictions relating to political campaigning was withdrawn.

   Discussion/Research: Currently, campaigning is governed by local ordinances and State voting laws. County-wide enforcement could be difficult.

   Result: No amendment is recommended in this area. The CRC does recommend that the County work with the municipalities to evaluate the existing ordinances associated with local campaign signage to develop consistency for when signage can be displayed.

   In evaluating the time frame appropriate for the start of displaying campaign signage, it is important to keep in mind that new candidates with little name recognition may benefit from a longer period of time allowed for displaying signage.

9. Pinellas Suncoast Transit Area: A question was raised as to whether the County could create an amendment to have responsibility over the PSTA.

   Discussion/Research: The PSTA was created by Special Act approved by a vote of the electors and the Charter has no jurisdiction over the PSTA.

   Result: No amendment is recommended in this area.

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10. Appointments to Boards, Councils, Committees, and Special Districts: A citizen requested that a provision be added to the Charter concerning appointments to boards, councils, etc. and that the appointments be made by the BoCC as a whole rather than individual commissioner appointments.

    Discussion/Research: The legal effect of this provision would be that certain County ordinances would be overridden and they would have to be amended.

    Result: No amendment is recommended in this area.

11. Electronic Comment Cards: A citizen requested that a provision be added to the Charter requiring the BoCC to provide a means for Residents to present "Comment Cards" in an electronic format to accommodate citizens who are unable to attend a meeting but wished to be heard.

    Discussion/Research: During the 2015-2016 CRC term, the Clerk of Circuit Court and Comptroller implemented a link to a "BCC Board Meeting Agenda Item Comment Card" on his website. Additionally, the CRC felt adding an electronic comment card was a process issue and did not belong in the Charter.

    Result: No amendment is recommended in this area. The Commission heard from a number of citizens who spoke at CRC meetings and/or submitted language for potential charter amendments around the idea of providing greater opportunity for citizens to communicate with the BoCC. Ideas ranged from increasing the time allotted to address the BoCC to greater ease on how to submit feedback. We encourage the BoCC to explore and implement creative ideas to improve two-way communication.

12. Appointments Made by County Administrator: A citizen requested that Section 4.01(c) item 1 be amended to more clearly state to which boards, commissions or agencies the County Administrator may not make appointments.

    Discussion/Research: The County Administrator makes recommendations to the BoCC for appointments to committees and the BoCC approves the appointments.

    Result: No amendment is recommended in this area.

13. Section 2.02 Security Rights of Citizens: A citizen requested the inclusion of a new protection for a citizen or group of citizens that would hold elected officials accountable, approve a grievance process for citizens wishing to bring a justifiable lawsuit against the County, and mandate that the County pay all fees if a case is filed.

    Discussion/Result: Concerns were raised that a process as outlined by the proposer could lead to frivolous lawsuits. The Clerk of Circuit Court and Comptroller Office plays the role of ombudsman for the County and could play a role in hearing grievances. If there were an issue concerning violations of the Sunshine Law or Public Records Law, the appropriate venues to address it would be to file suit in court or make a complaint to the State Attorney's Office.

    Result: No amendment is recommended in this area.

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14. Non-conforming Properties: Citizen concern was raised that there are 360 structures on property previously zoned for one type of structure, but the zoning has since changed. If the structure were destroyed by flood, fire, or storm, the owner could not rebuild the same type of structure.

    Discussion/Research: The Commission provided guidance to the citizen about other avenues to pursue before a charter amendment was considered. After speaking with the County Attorney on the other avenues to handle these situations, the citizen was satisfied and withdrew the proposal.

    Result: Withdrawn

15. Move of County Seat: Citizens requested consideration for moving the County Seat to a more central location within Pinellas County.

    Discussion/Research: Article VIII, Section 1(k) of the Florida Constitution provides that a county seat may not be moved except as provided by general law. That general law is found in Chapter 138, Fla. Stat., which allows for a petition drive which must be signed by one third of the voters in the county. After a sufficient number of signed petitions are collected, an election is held to decide where the County Seat is to be located. As a result, at this time it appears that a county seat may not be moved by charter amendment.

    Result: No amendment is recommended in this area.

16. Procurement Process: Today, Pinellas County has a procurement process which establishes a blackout period when a Request for Proposal has been officially released. The blackout period is an industry practice and its intention is to provide a fair opportunity for all bid respondents. A proposal to add a new section to the Pinellas Charter, effectively modifying the current procurement process for large dollar contracts (those greater than $250,000), was discussed. The proposal requestor asked that communication be allowed during the bid response period (remove the blackout period) so that any member of the Public, including bid respondents, could discuss the bid with administrative and elected leaders.

    Discussion/Research: The charter amendment proposal conflicts with an existing ordinance which addresses this topic and which has been written with due care. Additionally, the practice of establishing a "cone of silence" period is a best practice, making the bid response process a level playing field.

    Result: No amendment is recommended in this area.

17. Limit County Commissioners From Serving on Advisory Boards and Commissions:

    Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

    Result: No amendment is recommended in this area.

18. Increase Amount of Time the Public Can Speak During Public Comment:

    Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

    Result: No amendment is recommended in this area.

19. Base Pay of County Commissioners:

    Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

    Result: No amendment is recommended in this area.

20. Require Each County Commissioner to Acknowledge Communications Received from Citizens:

    Discussion/Research: After brief CRC review, there was not sufficient interest to pursue any charter amendments in this area.

    Result: No amendment is recommended in this area.

21. Greater Representation from Unincorporated Pinellas County: This topic covered several areas including a) whether seven (7) members on the BoCC was still an appropriate number; b) a requirement that the BoCC meet monthly to discuss issues impacting unincorporated areas of Pinellas County, c) a requirement that appointments to boards include a citizen from an unincorporated area of Pinellas County; and d) a requirement that a committee of citizens from unincorporated Pinellas County meet regularly with the County Administrator or staff to review and prioritize issues impacting unincorporated areas in Pinellas County.

    Discussion/Research: The CRC discussed adding two additional commissioners specifically to represent citizens living in unincorporated Pinellas County. However, after learning that the cost to add two commissioners would be approximately half a million dollars, the CRC chose not to move further.

    In speaking to the area of increasing communication with the BoCC, the CRC discussed how citizens in unincorporated areas of Pinellas County are represented by a number of Commissioners. Citizens can contact the commissioner representing their at-large county commission district and the commissioner representing their single-member county commission district. It was also noted that the BoCC has addressed many issues for unincorporated Pinellas County; perhaps there has been insufficient awareness among the Public about what has been accomplished.

    Result: No amendment is recommended in this area. However, the CRC suggests that the BoCC increase communications to publicize the work and spending for unincorporated Pinellas County.

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22. Reclaimed Water Variance: A citizen expressed a concern about reclaimed water and water rights.

    Discussion/Research: After questions were asked by the CRC, the citizen clarified that his intent was solely to bring awareness to the issue of reclaimed water and water rights at any public forum possible.

    Result: Withdrawn

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SECTION IV

Amendments Approved by the 2015-2016 CRC

To Be Voted On In The 2016 General Election

- Lowering Signature Percentage and Expanding Time Period for Petition Drive to Propose County Charter Amendments
- Financial Impact Statement for Proposed Charter Amendment
- Creation of County Redistricting Board
- Selection, Termination, and Annual Review of County Attorney By County Commissioners and Constitutional Officers
- Charter Review Commission Members Residence Requirements
- Pinellas Charter Cleanup Amendment

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Ballot Question 1

A. Ballot Proposal: The ballot title and summary for Question #1 are as follows:

LOWERING SIGNATURE PERCENTAGE AND EXPANDING TIME PERIOD FOR PETITION DRIVE TO PROPOSE COUNTY CHARTER AMENDMENTS

Shall the Pinellas County Charter be amended to lower the number of signed petitions necessary to propose an amendment to the Pinellas County Charter from ten (10) percent of the registered voters in the county to eight (8) percent, and to expand the length of time during which petitions can be gathered from 180 days to 240 days?

____ Yes

____ No

B. Text Revisions: Section 3.04 of the Pinellas County Charter is created to read as follows**:**

Sec. 6.02. - Charter initiative.

(a) ~~1)~~ Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least eight (8) ~~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.

(b) ~~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 two hundred forty (240) ~~one hundred eighty (180)~~ days after that date. In the event sufficient signatures are not acquired during that two hundred forty (240) ~~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.

(c) ~~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.

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Ballot Question 2

A. Ballot Proposal: The ballot title and summary for Question #2 are as follows:

FINANCIAL IMPACT STATEMENT FOR PROPOSED CHARTER AMENDMENTS

Shall the Pinellas County Charter be amended to provide that for each proposed charter amendment placed on the ballot, a brief financial impact statement prepared by the county auditor shall be placed after the ballot summary for the amendment, estimating the increase or decrease in revenues or costs to the county resulting from approval of the proposed charter amendment?

____ Yes

____ No

B. Text Revisions: Section 6.06 of the Pinellas County Charter is created to read as follows**:**

Sec. 6.06. - Financial impact of proposed County Charter Amendments.

As to each proposed charter amendment placed on the ballot for approval, the clerk of the circuit court, as county auditor, shall prepare, and the board of county commissioners shall place on the ballot, immediately following the ballot summary, a separate financial impact statement, not exceeding seventy-five words, estimating the increase or decrease in revenues or costs to the county resulting from approval of the proposed charter amendment.

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Ballot Question 3

A. Ballot Proposal: The ballot title and summary for Question #3 are as follows:

CREATION OF COUNTY REDISTRICTING BOARD

Shall the Pinellas County Charter be amended to create a County Redistricting Board, appointed by the County Commission every ten years after the Census, to provide advisory recommendations to the County Commission on redrawing county commission districts, and providing parameters for such recommendations, including not favoring political parties or incumbents, not denying racial or language minorities equal opportunity for political participation, and where feasible, consideration of unincorporated areas and municipal boundaries?

____ Yes

____ No

B. Text Revisions: Section 3.04 of the Pinellas County Charter is created to read as follows:

Sec. 3.04. - Redistricting.

(a) After each decennial census, no later than thirty (30) days after the U.S. Census provides redistricting data to the State of Florida pursuant to Public Law 94-171 or its successor, there shall be established a county redistricting board composed of eleven (11) members. The members of such board shall be appointed by the board of county commissioners of Pinellas County from the following groups:

(1) Seven (7) members from the public, each of whom shall be nominated by a commissioner from among the residents of that commissioner's district, and none of whom shall be an elected official;

(2) Four (4) additional 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.

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(b) No later than thirty (30) days after initial appointment, the county redistricting board shall meet for the purposes of organization. The county redistricting board shall elect a chairman and vice-chairman from among its membership. Further meetings of the board shall be held upon the call of chairman or any three (3) members of the board. All meetings shall be open to the public. A majority of the members of the county redistricting board shall constitute a quorum. The board may adopt other rules for its operations and proceedings as it deems desirable. The members of the board shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

(c) Expenses of the county redistricting board shall be verified by a majority vote of the board 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 county redistricting board from the state, the government of the United States, or other sources, public or private. Technical assistance may be provided by the Supervisor of Elections as necessary.

(d) The county redistricting board shall develop one or more proposals for redistricting the four county commission districts and three at-large county commission districts referenced in Section 3.01. In developing the county redistricting board's proposals, no district shall be drawn with the intent to favor or disfavor a political party or an incumbent, districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice, and districts shall be contiguous and as nearly equal in population as practicable. Further, in developing its proposals, the county redistricting board shall consider, where feasible, utilizing municipal boundaries and keeping together unincorporated areas of the county.

(e) No later than one-hundred fifty (150) days after its first meeting, the county redistricting board shall submit a final report containing its redistricting proposals to the board of county commissioners. The proposals of the county redistricting board shall be advisory only, and shall not bind the board of county commissioners. No later than 60 days after submission of the county redistricting board's final report to the board of county commissioners, the board of county commissioners shall adopt a plan for redistricting the four county commission districts and three at-large county commission districts referenced in Section 3.01.

Ballot Question 4

A. Ballot Proposal: The ballot title and summary for Question #4 are as follows:

SELECTION, TERMINATION, AND ANNUAL REVIEW OF COUNTY ATTORNEY BY COUNTY COMMISSIONERS AND CONSTITUTIONAL OFFICERS

Shall the Pinellas County Charter be amended to provide that the County Attorney shall be selected by, serve at the pleasure of, and be subject to annual review by, a committee consisting of the seven county commissioners and the five county constitutional officers (sheriff, tax collector, property appraiser, supervisor of elections, clerk of the circuit court), rather than the board of county commissioners alone?

____ Yes

____ No

B. Text Revisions: Section 4.02(a) of the Pinellas County Charter is amended to read as follows:

Sec. 4.02. – County attorney.

(a) There shall be a county attorney selected by ~~the board of county commissioners~~ a county attorney oversight committee, consisting of the county commissioners and the sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court, who shall serve at the pleasure of the ~~board~~ county attorney oversight committee. 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, and shall be subject to annual review by the county attorney oversight committee. The county attorney as of the effective date of this amendment shall not be subject to the selection provision of this subsection, but shall be subject to all other provisions thereof.

(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.

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Ballot Question 5

A. Ballot Proposal: The ballot title and summary for Question #5 are as follows:

CHARTER REVIEW COMMISSION MEMBERS RESIDENCE REQUIREMENTS

Shall the Pinellas County Charter be amended to specify that each of the seven county commissioners shall nominate to the Charter Review Commission a member who resides in the commissioner's district?

____ Yes

____ No

B. Text Revisions: Section 6.03(a) of the Pinellas County Charter is amended to read as follows:

Sec. 6.03. - Charter review commission.

(a) Not later than August 1 of the year 2015 and every eight (8) 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)~~ Seven (7) members from the public ~~at large~~, each of whom shall be nominated by a commissioner from among the residents of that commissioner's district, and none of whom shall be an elected official;

(6) Two (2) additional members from the public at large, neither of whom shall be an elected official.

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

Ballot Question 6

A. Ballot Proposal: The ballot title and summary for Question #6 are as follows:

PINELLAS CHARTER CLEANUP AMENDMENT

Shall the Pinellas County Charter be amended to remove certain provisions found unconstitutional by court ruling, remove certain transitional provisions that have since occurred, revise certain references to be consistent with Florida Statutes, and remove references to certain organizations that no longer exist?

____ Yes

____ No

B. Text Revisions: Section 2.04 of the Pinellas County Charter is amended, Section 2.07 of the Pinellas County Charter is deleted, Section 2.08 of the Pinellas County Charter is renumbered as Section 2.07, Section 3.01 of the Pinellas County Charter is amended, and Section 5.02 of the Pinellas County Charter is amended, all to read as follows:

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 emergency management ~~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

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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, the extent provided by general law.~~

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

(u)~~(v)~~ 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.

~~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 annexation, including the delineation of areas eligible for annexation, adopted by ordinance under the authority elsewhere provided for in this Charter.~~

Sec. 2.07 ~~2.08~~. - Environmental lands.

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 consist of ~~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.

Sec. 5.02. - Special laws.

(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, ~~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 Park Water Management District, and Pinellas Police Standards Council~~, and Pinellas Sports Authority~~.

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APPENDIX A

Table of CRC Meetings and Public Hearings

DATE	LOCATION OF MEETING	TYPE
8/13/2015	Supervisor of Elections Office, 13001 Starkey Road, Largo	Business Meeting
9/8/2015	Supervisor of Elections Mid County Office	Business Meeting
10/14/2015	Supervisor of Elections Mid County Office	Business Meeting
11/10/2015	Pinellas County Utilities Building, 14 S. Fort Harrison Avenue, Clearwater	Business Meeting
12/9/2015	Pinellas County Utilities Building	Business Meeting
1/6/2016	Pinellas County Utilities Building	Business Meeting
1/20/2016	Pinellas County Utilities Building	Business Meeting
2/3/2016	Pinellas County Utilities Building	Business Meeting
2/17/2016	Pinellas County Utilities Building	Business Meeting
3/2/2016	Cancelled	
3/16/2016	Pinellas County Utilities Building	Business Meeting
4/6/2016	Pinellas County Extension Center, 12520 Ulmerton Road, Largo	Business Meeting
4/20/2016	Pinellas County Extension Center	Business Meeting
5/4/2016	Pinellas County Extension Center	Business Meeting
5/18/2016	Pinellas County Extension Center	Business Meeting
6/1/2016	St. Petersburg City Council Chambers, 175 Fifth Street North, St. Petersburg	Public Hearing
6/15/2016	Board of County C Council Chambers, 315 Court Street, Clearwater	Public Hearing

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APPENDIX B

Pinellas County Charter

The latest version of the Pinellas County Charter can be viewed on the Municode site. The charter in effect at the time the 2015-2016 Charter Review Commission convened is as shown below.

PART I - CHARTER[1]

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.

Footnotes:

--- (**1**) ---

Editor's 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.

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

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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) Reserved.

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

(v) 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.

(Laws of Fla. ch. 88-458, § 1; Res. No. 88-496, 12-6-88; Ord. No. 00-66, § 2, 8-22-00; Res. 06-114, 7-11-06)

Editor's 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.

Editor's note— Res. 06-114, adding subsections (t) and (u), was approved by referendum Nov. 7, 2006. At the direction of the county, said subsections were redesignated as subsections (u) and (v), respectively.

Editor's note— At the direction of the county, subsection (t) pertaining to annexation, was deleted as being unconstitutional and no longer valid or in effect pursuant to the case of Pinellas County v. Largo et al., 964 So. 2d 847 (Fla. 2d DCA 2007).

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. - Reserved.

Editor's note— At the direction of the county § 2.07, pertaining to annexation, was deleted as being unconstitutional and no longer valid or in effect pursuant to the case of Pinellas County v. Largo et al., 964 So. 2d 847 (Fla. 2d DCA 2007). Former § 2.07 derived from Ord. No. 00-66, § 3, adopted Aug. 22, 2000, and approved by referendum Nov. 7, 2000.

Sec. 2.08. - Environmental lands.

(a) The preservation of environmental lands as defined herein within Pinellas County supports the sustainability of natural resources, watersheds, and natural habitat; provides resource-based recreational opportunities; and promotes a healthy environment and community.

(b) Environmental lands subject to the provisions of this Charter are those county-owned lands designated as environmental lands pursuant to section 90-112, Pinellas County Code, and include county-owned lands within the Allen's Creek Management Area, Alligator Lake Management Area, Anclote Islands Management Area, Brooker Creek Preserve, Cabbage Key Management Area, Cow Branch

Management Area, East Lake Management Area, Joe's Creek Management Area, King Islands Management Area, Lake Seminole Management Area, Lake Tarpon Management Area, Lake Tarpon West Management Area, Long Branch Management Area, Mariner's Point Management Area, Mobbly Bayou Preserve, Ozona Management Area, Shell Key Preserve, Travatine Island Management Area and Weedon Island Preserve.

(c) Additional county-owned lands may be designated as environmental lands subject to the provisions of this Charter by adoption of an ordinance by the board of county commissioners.

(d) The environmental lands designation may be removed from county-owned lands by adoption of an ordinance by the board of county commissioners and approval by a majority vote of the electors of Pinellas County in a referendum held at a general or special election called by the board of county commissioners, if the lands affected constitute more than one acre within a designated facility, or by adoption of an ordinance by the board of county commissioners if the lands affected constitute one acre or less within a designated facility.

(e) The county shall not sell, convey, or transfer any fee simple interest in county-owned lands designated as environmental lands subject to the provisions of this Charter, and the county shall not lease or license for a period longer than ten years any interest in county-owned lands designated as environmental lands subject to the provisions of this Charter, unless authorized by a majority vote of the electors of Pinellas County in a referendum held at a general or special election called by the board of county commissioners.

(Ord. No. 08-45, § 1, 8-26-08)

Editor's note— Ord. No. 08-45 was approved by referendum Nov. 4, 2008.

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)

Editor's 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)

Editor's 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)

Editor's 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, 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 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.

(Res. 06-114, 7-11-06)

Editor's note— Res. 06-114 was approved by referendum Nov. 11, 2006.

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)

Editor's note— Ord. No. 00-68, amending subsection 1), was approved by referendum Nov. 7, 2000.

Sec. 6.03. - Charter review commission.

(a) Not later than August 1 of the year 2015 and every eight (8) 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 August 2015, and every eight (8) 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, 2016, and each eight (8) years thereafter in order to coincide with the presidential election cycle. 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 proposed amendments are included in the report, the charter review commission may, at its discretion, remain constituted through the general election. The board of county commissioners shall call a referendum election to be held in conjunction with the 2016 general election and each eight (8) 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. If an amendment or revision to the charter is to be recommended, the charter review commission shall conduct at least two (2) public hearings on any amendment or revision, at intervals of not less than ten (10) days but not more than twenty-one (21) days, immediately prior to its transmittal of its recommendations to the board of county commissioners. Passage of proposed amendments shall require approval of a majority of electors voting in said election on such amendment.

(Amd. of 11-3-98; Res. No. 10-105, 8-10-10)

Editor's note— Amendments to § 6.03 were approved at referendum in Nov. 1984. Res. No. 10-105, amending subsections (a), (b), and (e) of § 6.03, was approved by referendum Nov. 2, 2010.

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)

Editor's 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)

Editor's 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.

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the basic Charter and any amendments thereto.

Referendum Date	Section this Charter	
10- 7-80	1.01—8.02	
11- 3-98	6.02	
11- 3-98	6.03	
11- 2-99	3.01	
	6.04	

Laws of Fla. Chapter	Section	Section this Charter
80-590	1	1.01—8.02
88-458	1	2.04
99-472	1	3.01
99-451	1	6.04

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Resolution/ Ordinance	Adoption Date	Section this Charter
88-496	12- 7-88(Res.)	2.04
00-66	8-22-00(Ord.)	2.04
		2.07
00-68	9-12-00(Ord.)	6.02
00-69	9-12-00(Ord.)	4.01
04-123	7-27-04(Res.)	3.03
		4.01
		6.05
06-114	7-11-06(Res)	2.04
		5.02
08-45	8-26-08(Ord.)	2.08
10-105	8-10-10(Res.)	6.03(a), (b), (e)

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APPENDIX C

2015-2016 CRC Operating Rules

A. **Speaker Sign-In**: A public sign-in sheet and appearance cards shall be provided for each meeting of the CRC.

B. **Public Comment Requirements**:

1. An opportunity for public comments shall be held at the beginning of each meeting for comments on issues that may come before the CRC, or comments on a topic that is included on the CRC's agenda for that meeting.
2. There shall be a three-minute time limit for each speaker, unless the Chairman determines that a shorter time limitation is warranted based on the number of speaker cards submitted.
3. If an action that would impact an amendment to the Charter is to be taken on an item not listed on that meeting's agenda, a vote on the action would be tabled to a subsequent meeting.

C. **CRC Vote Requirements**:

1. A majority vote shall be required to move an issue forward at the time an issue is discussed.
2. An issue that is initially voted down at a CRC meeting will be reconsidered following Robert's Rules on reconsideration.
3. A majority plus one vote of the full membership shall be required for final approval for placement on the ballot.

D. **Recorded Votes**. The votes of each CRC member shall be recorded by the Clerk.

E. **Expenses**: Approval of the expenses of the Facilitator and General Counsel are delegated to the CRC Chairman.

F. **Virtual Attendance at Meetings**:

1. A quorum of members physically present must first be established.
2. Members will be able to attend virtually/electronically under extraordinary circumstances. Extraordinary circumstances include:
   - Illness
   - Business related absence
   - Absence of State Legislator when Legislature is in session
3. The existence of (other) extraordinary circumstances will be determined by the Commission by vote at the beginning of the meeting.
4. A member deemed to have an extraordinary circumstance will be permitted to attend virtually and have all rights and privileges, including voting.
5. The extraordinary circumstance justification will not be used merely for convenience.

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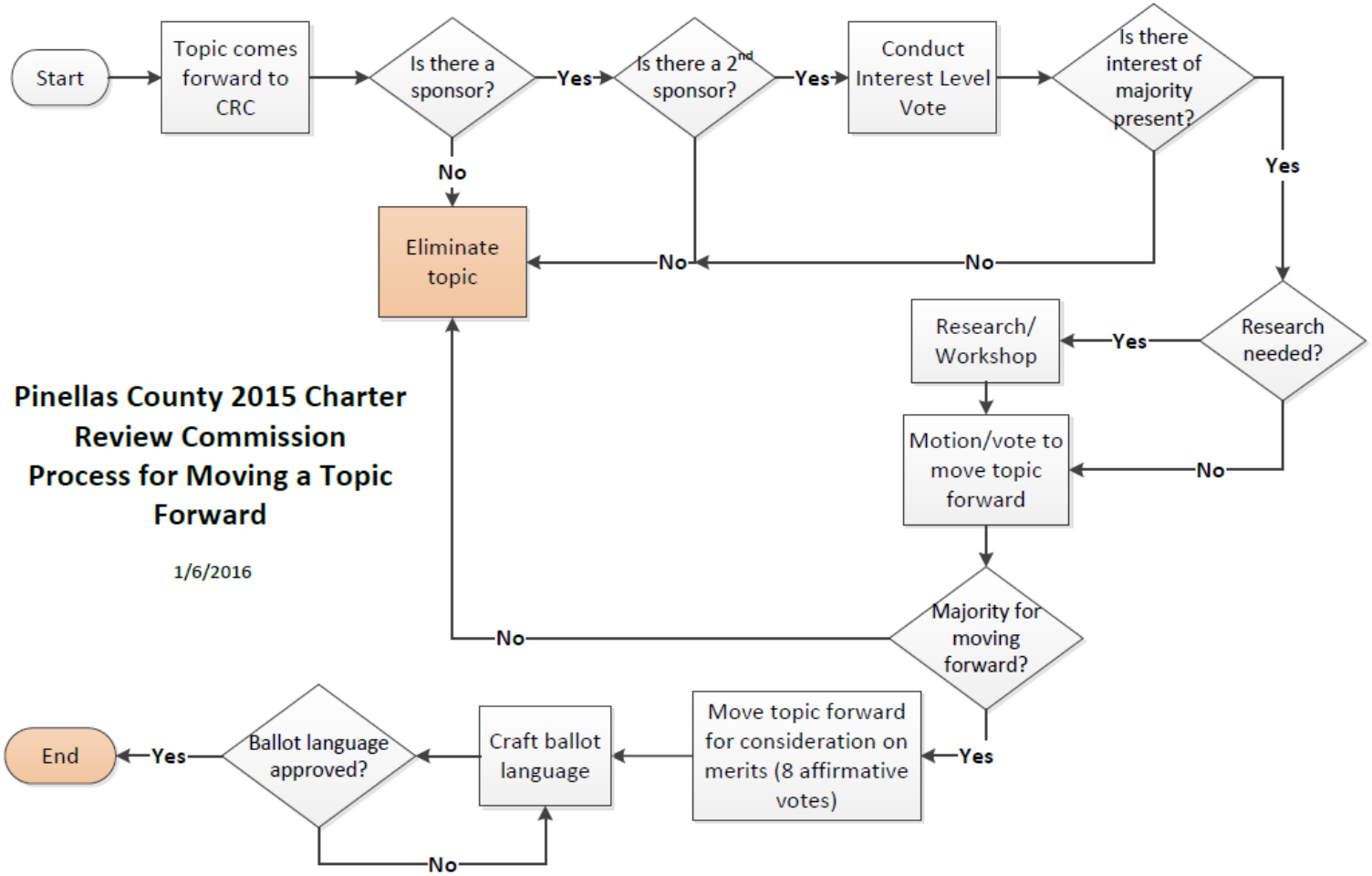
APPENDIX D

Process for Moving a Topic Further



APPENDIX E

Table of Charter Topics Discussed

	Pinellas County Charter Referendum Issues
1	Term Limits
1a	-Term limits for county commissioners
1b	-Term limits for constitutional officers
1c	-The amendment for term limits should not allow grandfathering of commissioners or constitutional officers already reaching the proposed term limit.
1d	-Consider changing length of term of county commissioners to 6 years instead of the current 4 years.
1e	-Limits terms to two consecutive four year terms by prohibiting incumbent county commissioners who have held a seat on the board of Pinellas County Commissioners for the preceding eight years from appearing on the ballot for re-election to that board. Terms of office beginning before amendment approval are counted. Impacted elected officials who have already exceeded the limit will be allowed to finish their term.
2	Dual Vote
3	Shall County commissioners serve only as a county commissioner, meaning not to formally serve on or be appointed to any other board or advisory board, e.g. such as the PSTA, Tourism (TDC), County Charter Review Commission, etc.?
4	Selection of CRC Members
4a	-Composition of CRC
4b	-Who selects CRC members
4c	-Representation- geographic coverage of CRC members
5	Shall citizens be able to speak at and before the elected county commissioner at regular agenda public meetings, under agenda item: Hearing of the Public to go to 5 min to be heard instead of the present allotted 3-minutes?
6	Shall the part-time County commissioners' FY base pay be revised to be set at $52,295?
7	Shall each county commissioner, when they receive a communication from a constituent, be it from a phone call, email or letter, be required to acknowledge receiving it within five (5) days from a constituent's communication?

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	Pinellas County Charter Referendum Issues
8	Representation
8a	Greater representation from unincorporated areas of Pinellas County
8b	Section 3.01- Board of County Commission number of 7- Is this still an appropriate number to ensure proper representation of all citizens?
8c	Require BCC to meet monthly (or every other month) to discuss unincorporated issues, budgets, planning, and how the unincorporated areas are being covered (projects) based on Penny Revenues, special funds (Gulf Oil Spill, etc.), county grants, QTI programs, and tourism. BCC meetings should be grouped based on scope: countywide ordinances / issues, and issues that are cover governance of / within an unincorporated area.
8d	Require appointments to other boards (MPO, PSTA, Tourist Development, Parks & Conservation, …) to have a citizen from an unincorporated area (ideally – representation from the two largest unincorporated areas).
8e	Establish an unincorporated citizen committee (representing major unincorporated communities) that meets with the County Administrator (or designated staff representative) at least quarterly to review and prioritize unincorporated issues (penny projects, funding, roads, traffic, etc.).
8f	Redistricting- propose a board of citizens, possibly 5, redraw the 4 single member commission districts instead of the board of commissioners themselves. This would take the power away from the elected officials and allow communities of mutual interests to be represented. This could also affect the unincorporated areas and their representation. As to the composition of the 5 citizens, that could be decided using the examples of other counties.
9	Section 2.02 (e) Protection of human rights- Change "Sex" to say "gender and sexual orientation." Also consider handicapped and pregnancy.
10	Section 2.04 (k) Development and implementation of civil preparedness programs. Change "civil preparedness" to "emergency preparedness."
11	Renumbered to 8b
12	Consolidation of public services
12a	Consolidation of fire districts
12b	Consolidation of various public services like fire services and policing/sheriff, etc.

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	Pinellas County Charter Referendum Issues
12c	City vs County Services: This amendment is intended to provide citizens of the 24 municipalities in Pinellas County information that will allow them to decide on an annual basis whether or not they want to continue the city structure of government in the area in which they live. At the end of each county fiscal year, County staff will prepare budget information for police and fire protection by comparing the expense of each city against those same services if they were provided by the County, and make it prominently available on the county and respective city's website. Should at least 10% of the registered voters living within the city or town sign a petition asking for a citywide vote on continuation or dissolution of the city, the County supervisor of elections shall arrange for a vote as part of the next election cycle. If 60% of the registered voters (either total registered, or voting in the election) vote against the city government's continued existence, within the next 12 months, procedures will be established and completed to efficiently transfer city services to the appropriate county agencies, and provision will be made for city files to be archived and stored.
13	Add a recall provision for county commissioners and constitutional officers.
14	Partisan/Non-partisan Elections
14a	Change the election of constitutional officers to non-partisan elections.
14b	Change election of all municipal offices (city councils and city commissioners and Mayors) to partisan on a county wide basis.
15	Campaigning should be restricted to not starting until 60 days before an election (i.e. TV ads, signs, robo-calls, etc.)
16	Sec. 2.04. - Special powers of the county Remove paragraph (t) which currently shows as "Reserved" and renumber remaining. (Original paragraph was found to be unconstitutional and removed.)
17	Sec. 2.07. - Annexation Remove Sec. 2.07. which currently shows as "Reserved" and renumber remaining.
18	Sec. 3.01. - Board of county commission Remove language no longer relevant (increasing # of commissioners and initial redistricting).
19	Sec. 5.02. - Special Laws Remove reference to Ozona, Crystal Beach, and Pinellas Sports Authority.
20	PSTA: Can the county create an amendment to have responsibility over PSTA?

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	Pinellas County Charter Referendum Issues
21	BCC appointments to Boards, Councils and Committees / Special Districts should be made by the County Commission as a whole – no individual county commissioner appointments. Due to the importance and authority being given to the various committees and boards, the appointments will be made by vote from a list of submitted applications - the candidate with the most votes will be appointed. Additional appointments will be made in similar manner. Authority for individual commissioners to make appointments to committees and boards should be eliminated.
22	The BCC has commented on several occasions that they would like more public participation / comments. If you want to make a comment about a proposed agenda item or upcoming vote and have that comment heard or discussed during the board meeting, you have to attend in person - most people have to work during the regular BCC meetings. I would propose that the charter be updated to require the BCC to provide a means to allow Residents (electorate) to present "Comment Cards" via an electronic method addressing specific agenda items. The Clerk of the Court, BCC Chair, or Pinellas County staff member would be required to read the comments and indicate if the individual submitting the comment supports, opposes, or is undecided.
23	Clarify the charter regarding County Administrator appointments. What members does this article refer to? BCC members or applicants to any appointed board, commission, or agency. If it is deemed that the County administrator is not authorized to make appointments to boards and committees – what is the qualifier that determines if the BCC makes the appointment or the County Administrator? Under Section 4.01.- County Administrator. Subsection 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.
24	Under Section 2.02. - Security of rights of citizens. The charter should be amended to establish a formal grievance procedure for any citizen or group that wants to challenge the actions or ordinances established by the BCC that maybe unlawful. Grievances that are not resolved and determined by a judge to have merit can be litigated such that the county would be required to pay for ALL legal fees in such a manner that neither side has an advantage. Why should a citizen be required to pay legal fees to challenge sunshine law violations, voter rights violations (term limits not codified), etc.?
25	Non-conforming properties: If the code is changed after a building was built, and the building is destroyed, the building should be grandfathered under the old code.

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	Pinellas County Charter Referendum Issues
26	Move of county seat
27	Section 4.02: Modify language to allow Constitutional Officers rights to be involved in selection and review process of County Attorney.
28	Procurement process: Add provisions to allow public comment (public at large, bid applicants, and bid respondents) on large (dollar) procurement
29	Reclaimed water variance
30	Sec. 6.02 Charter Initiative: Amendments to the Charter may be proposed by a petition signed by registered electors equal to at least five (5) percent.
31	Fiscal Impact: Should a fiscal impact study be included as part of each referendum item?

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APPENDIX F

Memo: Recall Provision

Memo with subject line of "Preliminary Legal Analysis of Proposed Recall Provision Relating to County Commissioners and Constitutional Officers" from Legal Counsel to Charter Review Commission follows on the next several pages.

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VOSE LAW FIRM LLP
ATTORNEYS & COUNSELORS AT LAW

M E M O R A N D U M

TO: **2016 Pinellas County Charter Review Commission**
FROM: **Wade C. Vose, Esq., General Counsel**
DATE: **January 4, 2016**
SUBJECT: **Preliminary Legal Analysis of Proposed Recall Provision Relating to County Commissioners and Constitutional Officers**

Pursuant to the Commission's request, I have prepared a preliminary analysis of legal issues relating to amending the Pinellas County Charter to provide for the recall of county commissioners and constitutional officers.

Recall of County Commissioners

As noted in the chart titled "Comparison of Counties on Recall Vote" prepared by Meiller & Associates, 18 of Florida's 20 charter counties specifically provide for the recall of county commissioners in their county charters. Notwithstanding its prevalence among county charters and its absence from Pinellas' charter, it is important to note that the members of the Pinellas County Commission are presently subject to recall pursuant to Florida law.

Section 100.361(1), Fla. Stat. provides in its first sentence that "[a]ny member of the governing body of a municipality or charter county, hereinafter referred to in this section as "municipality," may be removed from office by the electors of the municipality." The statute goes on to specify procedures for conducting a recall petition and election, together with related provisions. Subsections 11 and 12 of the statute go on to clarify the applicability of the statute to the governing bodies of all charter counties:

> (11) INTENT. – It is the intent of the Legislature that the recall procedures provided in this act shall be uniform statewide. Therefore, all municipal charter and special law provisions which are contrary to the provisions of this act are hereby repealed to the extent of this conflict.
>
> (12) PROVISIONS APPLICABLE. – The provisions of this act shall apply to cities and charter counties whether or not they have adopted recall provisions.

Subsection 12 of the statute was amended by the Legislature in 1990 (Ch. 90-315, Laws of Florida), after the Florida Supreme Court found that the prior wording of the subsection rendered only those cities and charter counties that had specifically adopted a recall provision subject to the statute. *See In re Recall of Koretsky*, 557 So.2d 24 (Fla. 1990).

Accordingly, the addition of a recall provision to the Pinellas County Charter would not have an immediate effect on whether the members of the Pinellas County Commission are subject to recall. However, in the event that the Legislature subsequently reverses course and once again makes the recall statute applicable only to those cities and charter counties that opt in, the

addition of a recall provision to the Pinellas County Charter would have the effect of subjecting the members of the Pinellas County Commission to recall in the wake of such a change.

Recall of Constitutional Officers

In contrast to the 18 charter counties that provide for the recall of their county commissioners, only seven county charters address the recall of county constitutional officers. These counties fall into two general categories. Four counties (Brevard, Duval, Miami-Dade, and Orange) subject their elected charter officers to recall. That is, these county charters provide for the availability of recall as to those offices that have been abolished as constitutional offices and the duties transferred to offices created under the county charter, pursuant to Article VIII, Section 1(d) of the Florida Constitution. The other three counties (Columbia, Polk, and Sarasota) directly subject their five county constitutional officers to recall without converting them to charter officers.

Section 100.361, Fla. Stat. does not address the recall of county constitutional officers, but rather subjects only "member[s] of the governing body of a municipality or charter county" to removal by the electors. Section 100.361(1), Fla. Stat. However, the Attorney General has found that the fact that an officer is omitted from this statute does not preclude the officer from being subject to recall via charter provision. See Op. Att'y Gen. Fla. 82-82 (1982). No other provision of the Florida Statutes or the Florida Constitution subjects county constitutional officers to recall.

Accordingly, the first question presented is whether a county charter can subject county constitutional officers to recall, and under what conditions or prerequisites (e.g., conversion to charter officers).[1] The second question is whether the Pinellas County constitutional officers can be subjected to recall via an amendment to the Pinellas County Charter proposed by the Pinellas County Charter Review Commission, in light of the unique protections provided to the constitutional officers in Sections 2.06, 4.03, and 6.04 of the Pinellas County Charter.

***Telli v. Broward County* - County Charter's "broad authority… regarding county officers"**

As to the first question, while there is no direct case law on point, recent appellate authority would suggest that a county charter can subject its county's constitutional officers to recall, and that it is unnecessary to convert them to charter officers to do so.

In *Telli v. Broward County*, 94 So.3d 504 (Fla. 2012), the Florida Supreme Court receded from its opinion rendered ten years earlier in *Cook v. City of Jacksonville*, 823 So.2d 86 (Fla. 2002), which had held that county charters could not impose term limits on county officers. In so ruling, the Court in *Telli* discussed with approval substantial portions of Justice Anstead's dissent

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1 The fact that seven other charter counties have provisions in their charters purporting to subject their constitutional or charter officers to recall is not necessarily strong evidence that such provisions are legal. At best, it may indicate that others have believed that such provisions are legal. Just as likely, it may simply be that sufficient cause to expend the funds and effort to challenge such a provision has not arisen.

in *Cook*, and even went so far as to state, "we now agree with Justice Anstead's dissenting opinion, and recede from *Cook*…." *Telli*, 94 So.3d at 512. As stated in Justice Anstead's dissent, a substantial portion of which was quoted in *Telli*:

> The autonomy of local governments is at the heart of these two sections of the Florida Constitution (referring to Art. VIII, Secs. 1(d) and 1(g), Fla. Const.), and the two sections vest broad authority in charter counties regarding charter governments and county officers. This broad language was obviously intended to allow charter counties wide latitude in enacting regulations governing the selection and duties of county officers. For example, article VIII, section 1(d), specifies that county officers may be elected or chosen in some other manner, and that any county office may even be abolished. By these provisions, it is apparent that the framers intended for charter counties to be self-governing in both providing for county officers and in providing for the manner in which county officials will be selected. Additionally, article VIII, section (1)(g), specifies that charter counties exercise their powers in a way that is "not inconsistent with general law." The term limit provisions in the charters in these cases are not inconsistent with any provision of general law relating to elected county officers. Given this grant of broad authority and consistency with general law, I can find no legal justification for concluding that charter counties should not be allowed to ask their citizens to vote on eligibility requirements of local elected officials, including term limits, since they could abolish the offices completely or decide to select the officers in any manner of their choosing.
>
> *Cook*, 823 So.2d at 96 (*Anstead, J. dissenting*).

Justice Anstead went on to refer to "charter counties… exercising their authority over county officers by imposing term limits." *Id.*

While neither *Telli* nor Justice Anstead's dissent in *Cook* explicitly refer to subjecting constitutional officers to recall, these authorities appear to suggest that subjecting county officers to recall via county charter would survive constitutional scrutiny, either as an exercise of the county charter's power over the manner of selecting county officers, or a more general exercise of a county charter's "broad authority… regarding county officers".

As to the relevance of the distinction between constitutional and charter officers in this context, the *Telli* Court, in receding from *Cook*, affirmatively stated that it should have affirmed *Pinellas County v. Eight is Enough in Pinellas*, 775 So.2d 317 (Fla. 2d DCA 2000). 94 So.3d at 512. Further, Justice Anstead's dissent said that he would have affirmed the case. *Cook*, 823 So.2d at 96 (Anstead, J. dissenting). *Eight is Enough in Pinellas* is discussed in further detail *infra*, but for present purposes it is noteworthy that the case found constitutional the imposition of term limits on county constitutional officers that had not been converted to charter officers. This suggests that the "broad authority… regarding county officers" of county charters described by Justice Anstead and adopted by the Florida Supreme Court in *Telli* encompasses both constitutional county officers and charter officers.

Applicability of Charter Protections for Pinellas County Constitutional Officers

As to the second question (whether the protections for the constitutional officers in the Pinellas Charter change the above result), the matter is substantially less clear. Three separate sections of the Pinellas County Charter provide unique protections for the Pinellas County constitutional officers. Section 2.06 of the Pinellas County Charter states in pertinent part:

> *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.*

Section 4.03 of the Pinellas County Charter states:

> *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.*

Finally, Section 6.04 of the Pinellas County Charter states in pertinent part:

> *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.*

Taken together, these three provisions prohibit both Pinellas County and the Pinellas County Charter from "chang[ing] the status, duties, or responsibilities" of the Pinellas County constitutional officers, and imply that any amendment to the Pinellas Charter "affect[ing] the status, duties, or responsibilities" of the constitutional officers may only be placed on the ballot after referral to and approval by the Florida Legislature.

Accordingly, the relevant question is whether subjecting the constitutional officers to recall via amendment to the Pinellas County Charter "change[s] the status, duties, or responsibilities" of those officers.

Eight is Enough in Pinellas, *supra*, appears to be the only appellate case that has directly analyzed the application of the phrase "change the status, duties, or responsibilities" with respect to the Pinellas County constitutional officers.

As noted above, *Eight is Enough in Pinellas* was subsequently quashed by the Florida Supreme Court in *Cook*. Ten years later, in *Telli*, the Florida Supreme Court receded from *Cook*, stating that "[t]he opinions of the First and Second (*Eight is Enough in Pinellas*) districts should have been affirmed." At least one trial court has found this statement to mean that the referenced cases are once again good law. *See City of Jacksonville v. Fuller*, Circuit Court Case No. 10-2012-CA-8211 (Final judgment entered August 10, 2012). In any event, it is likely that trial and appellate courts having jurisdiction over Pinellas County will look to *Eight is Enough in Pinellas* in analyzing the phrase in question.

In *Eight is Enough in Pinellas*, the Second DCA provided the following analysis regarding an amendment to the Pinellas County Charter imposing term limits on the constitutional officers:

> The County contends that the charter itself precludes the amendments at issue. Sections 2.06 and 4.03 of the charter state that neither the county nor the charter may change the "status, duties or responsibilities of the county officers specified in section 1(d), art. VIII of the state constitution." Thus, the charter does prohibit certain amendments. *Term limits, however, do not affect the status, duties or responsibilities of a county officer, only the total length of time in which the officer could maintain status or perform duties and responsibilities.*
>
> 775 So.2d at 319-20.

The use of the phrase "the total length of time in which the officer could maintain status" appears to indicate that the court in *Eight is Enough in Pinellas* conceived of the term "status" as referring to an individual officer's status as an office holder. Use of the phrase also seems to indicate that in the court's analysis, affecting the length of time a county officer can maintain his status as an office holder does not impermissibly "affect the status… of a county officer". Extrapolating from this reasoning, this case could be read to support the proposition that subjecting the Pinellas County constitutional officers to recall only affects the length of time a county officer can maintain his status as an office holder (contingent upon a successful recall effort), and thus by distinction does not impermissibly "affect the status… of a county officer".

However, caution must be exercised in attempting to stretch the small bit of reasoning provided by the Second DCA in *Eight is Enough in Pinellas*. In its briefs before the Florida Supreme Court, the Pinellas County Attorney's Office argued that "status" did not refer to any individual person's status as an office holder, but rather referred to "the status of Charter versus non-Charter Officers" or "his or her status as a sovereign and autonomous Constitutional Officer." The County further cited to an Attorney General's Opinion that used the term "status" in this way, commenting on a contemplated Hillsborough County charter proposal wherein "the constitutional officers denominated in s. 1(d), Art. VIII, are not included as charter officers but retain their present status as constitutional officers…." Op. Att'y Gen. Fla. 81-7 (1981).

Under this reading, any invasion into the independence and autonomy of the constitutional officers could be seen as "chang[ing]" or "affecting" the status of Pinellas County's constitutional officers. While apparently not adopted by the Second DCA in *Eight is Enough in*

Pinellas, the County's prior arguments in this regard are by no means insubstantial. As proposals relating to the Pinellas County constitutional officers range further afield from the four corners of *Eight is Enough in Pinellas*, there is a potential that a trial or appellate court will limit *Eight is Enough in Pinellas* to its facts and adopt a broader definition of "status".

APPENDIX G

Memo: Consolidation of Services Study

Memo with subject line of "Overview of Materials Concerning Orange County/City of Orlando Consolidation of Services Study" from Legal Counsel to Charter Review Commission follows on the next several pages.

VOSE LAW FIRM LLP
ATTORNEYS & COUNSELORS AT LAW

M E M O R A N D U M

TO: **2016 Pinellas County Charter Review Commission**
FROM: **Wade C. Vose, Esq., General Counsel**
DATE: **January 18, 2016**
SUBJECT: **Overview of Materials Concerning Orange County/City of Orlando Consolidation of Services Study Commission**

Pursuant to the Commission's request, I have assembled selected materials relating to the Orange County/City of Orlando Consolidation of Services Study Commission ("CSSC"). In particular, the materials referenced herein relate to the origins of the CSSC, the scope and results of its work, and subsequent concerns raised relating to the CSSC's effectiveness.

Orange County/City of Orlando Consolidation of Services Study Commission

The 2004 Orange County Charter Review Commission placed a charter amendment on the November 2004 general election ballot to create an Orange County/City of Orlando Consolidation of Services Study Commission. Voters approved the amendment, with a vote of 63.1% in favor, 36.9% opposed. That amendment became Section 901 of the Orange County Charter. A copy of the charter language, ballot summary, and statement of intent from the 2004 Orange County Charter Review Commission Final Report is attached as Exhibit "A".

The charter amendment provided in pertinent part that:

> The Orange County/City of Orlando Consolidation of Services Study Commission shall be empowered to conduct a comprehensive study of the consolidation of City/County government services and shall be specifically charged with providing a report to the City and County with specific findings and recommendations regarding efficiencies in service delivery, economies of scale, opportunities for enhanced intergovernmental cooperation between the two local governments, and other related issues.

Pursuant to the charter amendment and its implementing ordinance (a copy of which is attached as Exhibit "B"), the CSSC was composed of 11 members: 5 members appointed by Orange County, 4 members appointed by the City of Orlando, and 2 members that *may* be appointed by a majority vote of the Orange County Legislative Delegation. The CSSC was to be appointed no later than February 1, 2005, and was to adjourn *sine die* no later than May 2, 2006 (18 months following the November 2004 general election). The expenses of the CSSC were paid by Orange County.

Throughout the course of its work, the CSSC formed six committees to study areas the CSSC believed were possible areas of consolidation between the two governments:

- Fire and Emergency Services

- Parks and Recreation
- Transportation
- Water Utilities
- Purchasing
- Planning

The results of the CSSC's 25 meetings and 56 committee meetings were summarized into a comprehensive 239 page Final Report, providing detailed findings, conclusions, and recommendations as to each of these study areas. For the sake of brevity, the CSSC Final Report will be provided under separate cover. A website was also created for the CSSC, containing in-depth information concerning its deliberations and findings, still available as of the date of this memorandum at http://apps.ocfl.net/cssc.

The final report of the CSSC was transmitted to the Orange County Board of County Commissioners and the Orlando City Council, and thereafter the trail starts to run cold. The 2008 Orange County Charter Review Commission considered whether to propose an amendment to the Orange County Charter that would require either implementation of some of the recommendations or the creation of a new standing commission to review the feasibility for the consolidation of services. After receiving information concerning any progress that had been undertaken by the two governments, the 2008 Orange County CRC opted to not propose a charter amendment, but rather recommended that the 2012 Orange County CRC review whether progress had been made. (See excerpt from 2008 Orange County Charter Review Commission Final Report, attached as Exhibit "C".)

The 2012 Orange County CRC formed a Consolidation of Services Committee, which met with the former chairman and vice chairman of the CSSC to inquire into the effectiveness of its recommendations. The report of the committee from that meeting is attached as Exhibit "D". The report indicates that the former chairman of the CSSC believed the CSSC process lacked sufficient follow-up to assess whether the CSSC's recommendations had been implemented and whether those recommendations yielded the anticipated results.

Exhibit "A"

QUESTION #3

A. **Introduction.** This section of the Final Report Regarding Question #3 pertains to the Charter Review Commission's decision to place a question on the ballot concerning the authority for county commission to create an Orange County/City of Orlando Consolidation of Services Study Commission.

B. **Ballot Proposal.** The ballot title and question for Question #3 are as follows:

Question 3 Ballot Title -

Orange County/City of Orlando Consolidation of Services Study Commission

Question 3 Ballot Summary -

Shall the Orange County Charter be revised to create an Orange County/City of Orlando Consolidation of Services Study Commission consisting of citizen volunteer members, which shall be charged with conducting a comprehensive study of the consolidation of services between the City of Orlando and Orange County and providing a report to both governments by September 1, 2006?

____ Yes
____ No

C. **Text of Amendment 2004-3.**

Section 1. Article IX of the Orange County Charter is created to read:

ARTICLE IX

ORANGE COUNTY / CITY OF ORLANDO CONSOLIDATION OF SERVICES STUDY COMMISSION

Section 901. Orange County/City of Orlando Consolidation of Services Study Commission

A. The Board of County Commissioners ("County") shall appoint five members and the Orlando City Council ("City") shall appoint four members to serve on the Orange County/City of Orlando Consolidation of Services Study Commission. An additional two members may be appointed by majority vote of the Orange County legislative delegation. All members of the Orange County/City of Orlando Consolidation Study Commission shall be electors of the County and shall include a broad base of representation from throughout the community. No elected official shall be appointed as a member of the Orange County/City of Orlando Consolidation Study Commission.

B. The Orange County/City of Orlando Consolidation Study Commission shall be empowered to conduct a comprehensive study of the consolidation of City/County Government services and shall be specifically charged with providing a report to the City and County with specific findings and recommendations regarding efficiencies in service delivery, economies of scale, opportunities for enhanced intergovernmental cooperation between the two local governments, and other related issues. The Orange County/City of Orlando Consolidation Study Commission shall be appointed no later than February 1, of the year after approval of a majority of the electors voting on the question at referendum and shall adjourn sine die no later than 18 months following that election.

C. The Orange County/City of Orlando Consolidation Study Commission shall hold no less than four public hearings prior to presenting its report to the County and City, which report shall be presented no later than September 1 following its adjournment.

D. The Orange County/City of Orlando Consolidation Study Commission shall create and elect appropriate officers, as it deems necessary and proper for the orderly conduct of its specific duties.

E. The County shall pay the reasonable expenses of the Orange County/City of Orlando Consolidation Study Commission. The City shall have the option to provide staff assistance to the Consolidation Study Commission and assist with such expenses.

F. The County may enact an ordinance to adopt the provisions of this section, which shall prevail over any municipal ordinance to the extent of any conflict.

D. **Intent Section of Amendment 2004-3.** With respect to Amendment 2004-3, the Charter Review Commission expressly declares its intent as follows:

(a) To create a citizen based group with broad representation from organizations not otherwise directly affiliated with the local governments such as the Chamber of Commerce, League of Women Voters, County Watch, Orange County Homeowners Association and like organizations to: (1) review and examine the role of City and County government; (2) identify any problems, inefficiencies or other issues; and (3) provide recommendations for improvements.

QUESTION #4

A. **Introduction.** This section of the Final Report Regarding Question #4 pertains to the Charter Review Commission's decision to place a question on the ballot concerning the authority for County Commission to impose countywide transportation impact fees.

B. **Ballot Proposal.** The ballot title and question for Question #4 are as follows:

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JAN 1 1 2005

EFFECTIVE DATE
JAN 1 8 2005

Exhibit "B"

ORDINANCE NO. 2005-02

AN ORDINANCE PERTAINING TO ORANGE COUNTY, FLORIDA AND THE CITY OF ORLANDO; CREATING THE ORANGE COUNTY/CITY OF ORLANDO CONSOLIDATION OF SERVICES STUDY COMMISSION ("COMMISSION") MANDATED BY THE ORANGE COUNTY CHARTER; SPECIFYING THE NUMBER OF MEMBERS TO SERVE ON THE COMMISSION PURSUANT TO SECTION 901 OF THE ORANGE COUNTY CHARTER; PROVIDING FOR THE TERM OF MEMBERSHIP; PROVIDING FOR THE DUTIES OF THE COMMISSION; PROVIDING FOR ADMINISTRATIVE MATTERS; PROVIDING FOR COMPLIANCE WITH LAW; PROVIDING FOR CONFLICT OF LAWS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 901 of the Orange County Charter created the Orange County/City of Orlando Consolidation of Services Study Commission (hereinafter referred to as "Commission"); and

WHEREAS, Section 901 of the Orange County Charter (hereinafter referred to as "Section 901") authorizes the County to enact an ordinance related to the provisions of Section 901.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. ***Composition.*** The Commission shall consist of nine or eleven members to be appointed no later than February 1, 2005 in the following manner:

A. Five members to be appointed by the Orange County Board of County Commissioners.

B. Four members to be appointed by the Orlando City Council.

C. Two members may be appointed by majority vote of the Orange County Legislative delegation.

A. All members of the Commission shall be electors of Orange County. The Commission shall include a broad base of representation from throughout the community. The Orange County/City of Orlando Consolidation of Services Study Commission shall be a citizen-based group, having representation from organizations not otherwise directly affiliated with local governments, and may include representation of organizations such as the Chamber of Commerce, League of Women Voters, County Watch, Orange County Homeowners Association, and like organizations.

B. No elected official shall be a member of the Commission.

C. Commission members serve on a voluntary basis and shall not receive any compensation except for reimbursement of direct out-of-pocket expenses, if any, as allowed under Florida law and County rules and regulations.

Section 2. Term of membership. Each Commission member shall be appointed to serve until the Commission is adjourned as provided in Section 901.

Section 3. Duties. The Commission is empowered to:

A. Conduct a comprehensive study of the consolidation of City/County government services.

B. Provide a report to the City and County with specific findings and recommendations regarding:

(i) efficiencies in service delivery

(ii) economies of scale

(iii) opportunities for enhanced intergovernmental cooperation

(iv) other related issues.

Section 4. Administrative matters.

A. *Officers*. The Commission may create and elect appropriate officers as it deems necessary and proper. The Commission may create such committees as necessary to conduct the business of the Commission.

B. *Meetings.* The Commission shall meet as necessary to carry out the business of the Commission. The Commission shall hold no fewer than four public hearings prior to presenting its report to the City and County, which report shall be presented no later than September 1, 2006. The first meeting of the Commission shall be April 6, 2005, in the chambers of the Orange County Board of County Commissioners, located at the Administration Center, 201 S. Rosalind Avenue, Orlando, Florida.

C. *Vacancy*. Any resignation or vacancy occurring during the term of membership shall be filled by the appropriate authority pursuant to section 1 above for the remainder of the membership term.

D. *Administrative Staff.* Orange County shall pay the reasonable expenses of the Commission which shall include, but not be limited to, accommodations for public meetings and hearings, staff assistance, and supplies. The City of Orlando has the option to provide staff assistance to the Commission and assist with such expenses.

E. *County Review.* Within 180 days of the date the report is presented to the County, the Board of County Commissioners shall evaluate the impacts of the Commission Recommendations to County operations, hold appropriate public hearings to obtain citizen input and initiate discussions with the City of Orlando regarding implementation of the Commission Recommendations.

Section 5. · Compliance with law. All actions of the Commission shall be in accordance with applicable law, including, but not limited to, the Florida Public Records Law (Chapter 119, Florida Statutes) and Florida Government-in-the-Sunshine Law (Section 286.011, Florida Statutes).

Section 6. Conflict. This ordinance shall prevail over any municipal ordinance to the extent of any conflict.

Section 7. Severability. If any provision of this ordinance or the application thereof to any person, governmental body, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 8. Effective date. This ordinance shall take effect pursuant to general law.

ADOPTED THIS 11th DAY OF January, 2005.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
for Richard T. Crotty
County Mayor

ATTEST: MARTHA O. HAYNIE, County Comptroller
As Clerk of the Board of County Commissioners

By: _____
Deputy Clerk

S:\JNewton\ORDRES\Consolidation Ordinance.clean.rtf (12/28/04)

Final Action: The Commission voted to place this measure on the ballot at the Commission meeting held on July 28, 2008, by a unanimous 14-0 vote.

15. Enhancing the County's Green Consciousness

Proposal Summary: The 2008 CRC considered whether to propose an amendment to create a section in the Charter that would require the county to undertake more environmentally friendly measures (also referred to as "Going Green"). CRC Commissioners Roger Chapin and Trevor Hall researched the issues and held a subcommittee meeting to hear testimony from Lori Cunnif, Manager of the Orange County Environmental Protection Division. It was the finding of the subcommittee that Orange County is a leader in a number of eco-friendly measures and is already undertaking projects to offer incentives for fuel and energy efficiencies. The subcommittee recommended that the County continues its current practices and that the Charter should not be amended to include any "green" requirements.

Final Action: The Commission voted to make no changes to this section of the charter at the Commission meeting held on April 28, 2008.

16. Consolidation of Services

Proposal Summary: In 2004, the Charter Review Commission placed a measure on the ballot creating a Consolidation of Services Study Commission to evaluate and assess issues related to the consolidation of City of Orlando and Orange County services. The recommendations of that commission were issued in 2006. The 2008 CRC considered whether to propose an amendment to the Charter that would require either the implementation of some of those recommendations or the creation of a new standing commission to review the feasibility for the consolidation of services, and primarily fire services, between Orange County and any municipalities within its jurisdiction. CRC Chairman Richard Morrison was assigned the task to research the issues related to this matter. A subcommittee was held with significant input from city and county officials in which a review of the Consolidation Study Commission's recommendations were considered along with any progress undertaken by the City of Orlando and Orange County since those recommendations were made. After further consideration, it was recommended that the County and the City continue to implement and undertake the recommendations made by the study commission and that perhaps the progress made by these entities be reviewed in 2012 when the next Charter Review Commission reconvenes.

Final Action: The Commission voted to make no changes to this section of the charter at the Commission meeting held on June 23, 2008.

17. Redistricting of County Districts Every Five Years

Proposal Summary: Based upon the testimony of Orange County Commissioner Linda Stewart, the 2008 CRC was asked to consider the feasibility of

Exhibit "D"

2012 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Report
Consolidation of Services Committee
September 7, 2011
Comptrollers 4th Floor Conference Room
3:00 – 4:00 p.m.

Call to order — Pat DiVecchio
Introductions

Participants
Pat DiVecchio, CRC Member
Earl Denton, CRC Member
Wade Vose, Vose Law Firm
Dana Crosby, County Attorney's Office
Scott Gabrielson, Mateer Harbert Attorneys at Law, Past Chair Consolidation of Services Study Commission (CSSC)
Jimmy Goff, Past Vice Chair CSSC and Chair, Fire Subcommittee
Carol Foglesong, Assistant Comptroller
Linda Rock, Staff person to the CRC

DiVecchio- History of 2004 CRC charter was briefly reviewed. An amendment was placed on the ballot and approved by the voters in the November 2004, passed by overwhelming majority. The CSSC was formed and presented its report. Final report approved by City of Orlando and Orange County. 2008 CRC left open progress made by entities and the CRC 2008 Final report should to be reviewed by next CRC in 2012.

DiVecchio - I want a basic understanding of whether this is the end or are there some opportunities to go forward with this? What the intent of the CRC commission? CSSC did the study. Did you meet the intent and what has happened since then?

Gabrielson - The intent was met, a committee was created with an 18 month existence. However, the requirements did not necessarily include follow up. CSSC had 56 meetings and went our separate ways in May 2, 2006 so no follow-up. A process should have been put in place for follow through. That should have been recommended - to follow up in 6 months' time. The CSSC had a chance to hear from Jacksonville and Tampa, two consolidated FL governments. Essentially CSSC learned the two most important things that lead to consolidation is mass inefficiency and corruption. That drives consolidation. The enemy of consolidation is efficient response of government. From this perspective it was found Orange County and City of Orlando are both efficient governments. Within our committee there were 11 people with a fairly good sampling of professionals. They had two philosophies: unless there is a reason to consolidate don't consolidate OR, if you can prove your case, then

consolidate. The CSSC was open to consolidation but felt there was a need to prove the case. Some opportunities were found, however, they were small inefficiencies.

Goff – The fire-fighting departments were the big thing based on *Orlando Sentinel* reporting and editorials. CSSC considered consolidating Orange County and the City of Orlando fire departments, and took testimony from everyone and everybody, city fire department, and county fire department. An insurance person was brought in who stated the city had an insurance ISO rating of 2 and now 1 and Orange County has ISO rating 4, which is what drives homeowner insurance rates. Also, what is interesting is the City of Orlando is an urban fire department structured for city services. Orange County is a rural area and services constructed for a rural area. What would you gain combing the two? You would dilute both with the mission each are charged with if they were consolidated.

Another interesting finding was that the City of Orlando fire benefit package was bigger/richer for city fire fighters. Orange County fire fighters wanted consolidation to get the better benefit package. The city benefit package was a big nut.

Both fire departments are very good and should not consolidate. Only problem area found was Lake Nona area. Committee members felt that should be looked into and Goff believes they did but does not know outcome. DiVecchio lives in that area and mentioned that in a 3 mile radius there are 4 fire stations. Goff assumes the CSSC looked into but not sure.

On consolidation, CSSC has no authority on consolidation but they pressed forward. What could the CSSC do or not do?

Gabrielson – Other cities did not want to be involved. Everyone was afraid of the big unknown and afraid of change so the only participants were Orange County and Orlando. Committee members were volunteers, not engineers, etc. but they tried to come up with plans and pass on to planning people.

Denton – Was there a grand plan?

Gabrielson – The only guide was what was recommended by 2004 CRC and what voters wanted. Our only grand plan was looking at consolidation, form the committee and meet with people for information. It was a mammoth task. In hindsight, there should have been a group to come back a year later to issue a formal report of any suggested recommendations and what happened with them. Some recommendations were adopted and are now in the Charter. If each area knew they had to issue report and answer to someone, they would have done something.

For instance, should you consolidate the army and marines? You could come up with a lot of reasons, but there is a core of both units that are important. Statistic – CH2, an engineering firm, did a report which stated that when you consolidate you have immediate deficiencies and you don't know how it's going to work (risk). There is a need for 7-8% cost savings for

success or don't consolidate. The CSSC said "prove to me that it will ring out enough savings to justify." The CSSC findings say that is true.

DiVecchio – The recommended report of a technical consolidation study of OUC water production for Orlando and Orange County was never done. What was used instead was the City of Orlando OUC consolidation report. The technical consolidation study recommendation was never completed and DiVecchio feels what the OUC report substituted for it was not a good substitute. Need to compare apples to apples, not applies to oranges.

Gabrielson – "If I can control your water I can control you." It would be hard to get another entity to control water utilities. This was the most politically controversial recommendation. You must build up trust. But if it could be done, we could be the model for how counties could be run. Water recommendations ignored totally.

DiVecchio – That's all the questions I had.

Foglesong – Believes there was a decision made by 2004 CRC that they could not compel all of the municipalities to participate in the study. Some kind of agreement/compromise was made for Orlando and Orange County to be the only participants. Other municipalities not interested. Vose stated he will look back and see if there was any documentation on this.

DiVecchio commented nothing in the original charter amendment or notes from 2008 CRC indicate whether or not there were any expectations that CSSC efforts should continue when the initial report was made.

Gabrielson - If there had been follow-up and if there was interest by media it would have triggered more activity.

DiVecchio – Now we have to figure out what to do from here, if anything. I don't want to leave this issue open. DiVecchio will consult with Vose. Wants the 2012 CRC to close out this issue.

DiVecchio - Committee did a very good job. A lot of work and great report.

Goff - Very educational experience to do this consolidation study.

What is future of water? This may be a future issue. Another future issue may be Parks.

The 2008 CSSC Final Report is on the web.

APPENDIX H

Research: Comparison of Counties on Recall Elections

	RECALL ELECTIONS
	Silent 2 Charter Counties (Including Pinellas)
1	Pinellas
2	Volusia
	No Recall Provision- NONE
	Yes- Have a Recall Provision 18 Charter Counties
3	Alachua Section 2.2G Recall- "The members of the board of county commissioners shall be subject to recall as provided by general law."
4	Brevard Section 5.2 Recall: "The County Commissioners shall be subject to recall as provided by general law. Any elected County officer named in Section 4.2 of this Charter may be recalled in the manner provided by general law for removal of a County Commissioner of a charter county." Section 4.2 Departments headed by elected officers: clerk of circuit court, sheriff, property appraiser, supervisor of elections, tax collector
5	Broward Section 1.04(m) Power of Recall- "The public shall have the power to recall any Commissioner in accordance with the laws of the State of Florida."
6	Charlotte Section 2.2 F Recall- "The members of the board of county commissioners shall be subject to recall as provided by general law."
7	Clay Section 2.2H- "The members of the board of county commissioners shall be subject to recall as provided by general law."
8	Columbia Section 6.2 Recall- "The County Commissioners shall be subject to recall as provided by general law. Any elected constitutional county officer may be recalled in the manner provided by general law for recall of a county commissioner of a charter county."
9	Duval Section 15.01 Recall by voters- "Any officer elected in any consolidated government or school board election may be removed from office in the following manner:…" [Note: The section goes on to spell out requirements of petitions for the recall vote.]

	RECALL ELECTIONS
10	Hillsborough Section 9.08 Recall- "The people shall have the power to recall elected officials by recall election initiated, called, held and conducted as provided by general law for chartered counties."
11	Lee Section 2.2G Recall- "The members of the Board of County Commissioners shall be subject to recall as provided by general law."
12	Leon Section 4.2 Recall- "All members of the Board of County Commissioners shall be subject to recall as provided by general law."
13	Miami-Dade Section 8.02 Recall- "Any member of the Board of County Commissioners, the Mayor, or the Property Appraiser may be removed from office by the electors of the county, district, or municipality by which he was chose. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that: …" [Note: The section goes on to spell out process.]
14	Orange Section 604 Power of Recall- "The electors of the county shall have the power to recall any elected Charter officer in accordance with the laws of the State of Florida."
15	Osceola Section 2.2G Recall- "The members of the Board of County Commissioners shall be subject to recall as provided by general law."
16	Palm Beach Section 5.2 Recall- "The board of county commissioners shall be subject to recall as provided by Florida Statutes."
17	Polk Section 6.2 Recall- "The County Commissioners shall be subject to recall as provided by general law. Any elected constitutional officer may be recalled in the manner provided by general law for removal of a county commissioner of a charter county."
18	Sarasota Section 6.3 Recall- "The procedures for the recall of a County Commissioner shall be as set forth in general law. The procedures for the recall of other elected County officers, including, but not limited to, the Sheriff, Supervisor of Elections, Tax Collector, Property Appraiser, and Clerk of Court shall be the same as those for the recall of a County Commissioner."
19	Seminole Section 2.2G Recall- "The members of the Board of County Commissioners shall be subject to recall as provided by general law."
20	Wakulla Section 6.2 Recall- "Members of the board of county commissioners shall be subject to recall as provided by general law."

APPENDIX I

Research: Comparison of Counties on Partisan/Non-Partisan Elections

	PARTISAN/NON-PARTISAN ELECTIONS
	Silent 8 Charter Counties (Including Pinellas)
1	Alachua School board election is nonpartisan
2	Brevard
3	Charlotte
4	Duval
5	Osceola
6	Pinellas
7	Sarasota
8	Seminole Section 3.2- School Board election is partisan; "After January 1, 1995, school board members of Seminole County shall be elected in partisan elections."
	Non-Partisan 6 Charter Counties
9	Columbia Section 2.3 (Qualifications and Election)- pertains to county commissioners only) Section 5.2 (Non-partisan election of county officers)- specifies offices of County Commissioners, County Attorney, Superintendent of Schools, and County Constitutional Officers
10	Leon Section 2.2 (Legislative Branch)- "Elections for all 7 members of the County Commission shall be non-partisan.
11	Miami-Dade Section 3.03 (Nonpartisan Elections)- "All elections for the Mayor and the other members of the Board shall be nonpartisan and no ballot shall show the party designation of any candidate." Section 5.04 (Assessment and Collection of Taxes) Paragraph A- "Commencing with the general election to be held in November 2008 and every four years thereafter, the Miami-Dade Property Appraiser shall be elected on a nonpartisan basis, by a majority of the ..." Note: Article 9 (General Provisions) Section 9.01 abolishes the offices of Tax Collector, Supervisor of Registration (?), and Sheriff and transfers the powers and functions to the County Mayor.

	PARTISAN/NON-PARTISAN ELECTIONS
12	Orange Section 605 (Nonpartisan elections)- "Election for all Charter offices shall be nonpartisan." Note: Section 703 (County officers) abolishes the offices of property appraiser, tax collector, and sheriff and transfers to the positions as county officers.
13	Volusia Section 904 (Nonpartisan Elections)- "Election for all offices shall be on a nonpartisan basis."
14	Wakulla Section 7.6.1- Nonpartisan Offices; "All elected County officials, which shall include all County Commissioners, the Clerk of Court, the Property Appraiser, the Sheriff, the Supervisor of Elections, and the Tax Collector shall be nonpartisan offices elected through nonpartisan elections, no candidate shall be required to pay any party assessment…"
	Partisan 6 Charter Counties
15	Broward Section 2.01B- "Commissioners shall be elected on a partisan basis." Section 2.3? School board election is nonpartisan
16	Clay School board election is nonpartisan
17	Hillsborough Section 4.05- "Except as provided herein, all elections for the board of county commissioners shall be as provided for county commissioners in non-charter counties."
18	Lee Section 2.2- "There shall be one commissioner for each of the five (5) County Commission districts established pursuant to general law and they shall be elected in a partisan election on a county-wide basis by the electors of the County. Section 3.1- "The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independent, elected constitutional officers and the powers, duties and functions shall not be altered by this Home Rule Charter, except as provided in Section 3.2: Non-Partisan Elections (below). The Constitutional officers shall perform their executive and administrative functions as specified by general law." Section 3.2- "The Supervisor of Elections shall be non-partisan."
19	Palm Beach Section 4.1- Elected constitutional officers "The elected constitutional offices of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections shall remain as presently constituted." Section 4.1a- "Notwithstanding section 4.1, elections for the offices of property appraiser, sheriff and supervisor of elections shall be nonpartisan."

	PARTISAN/NON-PARTISAN ELECTIONS
20	Polk Section 5.2.1- Non-partisan offices. “Commencing with the primary and general elections in the year 2004, the offices of Clerk of Circuit Court, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector shall be nonpartisan.

APPENDIX J

Research: Charter Counties with Fiscal Impact Analysis Specified

Nothing in Charter	
Alachua	Osceola
Clay	Palm Beach
Columbia	Pinellas
Duval	Polk
Lee	Sarasota
Leon	Volusia
Miami-Dade	Wakulla
Charlotte- However, requires economic impact analysis for ordinances	

Brevard County: Sec. 7.4.2. - Analysis of fiscal impact of proposed charter amendment. The Charter Review Commission shall obtain an analysis of the fiscal impact of a proposed charter amendment prior to transmittal of the proposed charter amendment to the County Commission. (Amd. of 11-2-10)
Broward County: Sec. 11.09. - Financial impact of proposed County Charter Amendments. For all elections, beginning with the November 4, 2008, General Election, the County Auditor shall prepare, and the County Commission shall place on the ballot, immediately following the ballot question, a separate financial impact statement, not exceeding seventy-five words, estimating the increase or decrease in revenues or costs to the County resulting from approval of any proposed Charter amendment.
Hillsborough County: **Section 8.05. Financial Impact Statement for All Proposed County Charter Amendments and Countywide Referenda.** The board of county commissioners shall require by ordinance that for all County elections, a separate financial impact statement, not exceeding seventy-five words, including a two-year estimate of the increase or decrease in revenues or costs to the county resulting from approval of all proposed county Charter amendments and all other proposed countywide referenda unrelated to a county Charter amendment, be prepared by the county budget director and placed on the ballot immediately following the ballot question.

Orange County: Section 702. - B. The Charter review commission shall be empowered to conduct a comprehensive study of any or all phases of county government. The Charter review commission shall be appointed no later than February 1, of the year prior to a presidential election year and shall adjourn sine die no later than the Monday following that election. A Charter review commission will be appointed on a four-year cycle. A Charter review commission may, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the board of county commissioners no later than the last day for qualifying for election to county office under general law. The report shall include an analysis and financial impact statement of the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the proposed amendments or revisions. The Charter review commission shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis. The Charter review commission shall include a summary of the analysis or financial impact statement on the ballot language for any proposed changes to the Charter. Such amendments or revisions do not require the approval of the board.
Seminole County: Section 4.2. - **D. Fiscal Impact of Proposed Charter Amendments.** The Board of County Commissioners is authorized to provide by county ordinance for the provision of a statement to the public regarding the probable financial impact of any proposed charter amendment. The ordinance may provide that proposed amendments be submitted to the County for fiscal analysis as a prerequisite to placement on the ballot and that the fiscal impact be reflected in any proposed ballot language. (Ord. No. 2006-61, eff. 11-07-06).

Appendix K

Meeting Agendas and Minutes

August 13, 2015

Largo, Florida, August 13, 2015

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Election Service Center, 13001 Starkey Road, Largo, Florida, at 6:03 P.M. on this date with the following members in attendance:

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

Not Present:
Sandra L. Bradbury, City of Pinellas Park Mayor

Also Present:
Sarah M. Bleakley, Esq., Interim General Counsel
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Joseph Lauro, Pinellas County Purchasing Director
Other interested individuals
Jenny Masinovsky, Board Reporter, Deputy Clerk

AGENDA

1. Call to order: Sarah M. Bleakley, Esq., Interim General Counsel

2. Introductions of members of the Charter Review Commission

3. Introduction of Mary Scott Hardwick, Interim Staff of the Charter Review Commission

4. Public Comment as required by State Law

5. Election of Chairman of the Charter Review Commission

6. Election of Vice-Chairman of the Charter Review Commission

7. Presentation: Sunshine Law and Public Records Requirements

8. Presentation: Charter Review Commission Website

9. Presentation: Charter County Powers and the Pinellas County Charter

10. Discussion of Hiring a Charter Facilitator

11. Discussion of Hiring a General Counsel

12. Approval of future meeting dates, times, and places

13. Approval of next meeting agenda

    a. Rules of Procedure for the Charter Review Commission
    b. Hiring a Charter Facilitator
    c. Hiring a General Counsel
    d. Other issues as necessary and as determined by the Charter Review Commission

CALL TO ORDER

Sarah M. Bleakley, Esquire, indicated that she will serve as Interim Counsel and act as Chairman for today's orientation; whereupon, she called the meeting to order at 6:03 P.M. and welcomed the members.

INTRODUCTIONS

At the request of Ms. Bleakley, the members introduced themselves, and Ms. Bleakley introduced Mary Scott Hardwick, Interim Facilitator.

PUBLIC COMMENT

Adrian Wyllie, Palm Harbor, and Freddy Ferro, St. Petersburg, addressed the Commission regarding term limits. Following public comment and at the request of Commissioner Long, Ms. Bleakely agreed to provide information on the current legal status of term limits to the CRC members.

* * * *

Keisha Bell entered the meeting at 6:11 P.M. and introduced herself to the Commission.

* * * *

ELECTION OF CHAIRMAN OF THE CRC

Ms. Bleakley called for nominations for the position of Chairman; whereupon, Thomas Steck nominated Commissioner Long, seconded by Todd Pressman; Representative Ahern nominated Ken Burke; and Mr. Burke nominated Dr. James Olliver, seconded by Representative Ahern. Ms. Bleakley noted that the nominations are not required to be seconded.

During deliberations, Commissioner Long and Mr. Burke withdrew their names from consideration, and Mr. Burke opined that it would be best if the CRC, as a body dominated by non-elected citizens, be chaired by a citizen rather than an elected official, and noted that Dr. Olliver's academic background would provide neutral credibility to the Commission.

Upon call for the vote, Dr. James Olliver was elected to serve as Chairman (Vote 12-0).

ELECTION OF VICE-CHAIRMAN OF THE CRC

Assuming the gavel, Chairman Olliver called for nominations for the position of Vice-Chairman; whereupon, Joshua Shulman nominated Thomas Steck, and Representative Ahern nominated Barclay Harless. Mr. Harless indicated his support for Mr. Steck, and Mr. Burke moved, seconded by Mr. Shulman, that the nominations be closed.

Thereupon, Thomas Steck was elected by acclimation to serve as Vice-Chairman (Vote 12-0).

SUNSHINE LAW AND PUBLIC RECORDS REQUIREMENTS

Ms. Bleakley conducted a PowerPoint presentation titled *Government in a Fishbowl*, a copy of which has been filed and made a part of the record, and discussed the Florida Sunshine and Public Records Laws and their applicability to the CRC, providing clarifications in response to queries by the members regarding informational e-mails and meetings of single members with delegated authority; whereupon, she cautioned the members that sanctions for violation of the Sunshine Law and conflicts of interest can be severe, and urged them to contact the CRC general counsel with any questions or concerns.

CRC WEBSITE

Ms. Hardwick related that as an informational resource for the members, the CRC website will provide agendas, locations, and dates of the future meetings; CRC historical information; an archive of prior meetings; and any other information that members request to be posted; whereupon, she suggested that a communication tool be set up to enable citizens to propose ideas for Charter amendments through the website. Chairman Olliver urged the members to visit the website, noting that it provides a good resource and an opportunity to post any materials discussed at the meetings.

CHARTER COUNTY POWERS AND THE PINELLAS COUNTY CHARTER

Referring to a PowerPoint presentation titled *Charter County Government*, a copy of which has been filed and made a part of the record, Ms. Bleakley reviewed the following background information:

- Description of a county
- County power prior to the 1968 Florida Constitution
- Charter and non-charter powers after the 1968 Constitution
- Distinctions between charter and non-charter counties
- Establishment of a charter county, its governing body and Constitutional Officers
- The Pinellas County Charter
  - Charter creation and structure
  - Powers and duties of the County
  - Pinellas County legislative branch
  - Pinellas County administration
  - Effect of the Pinellas County Charter
  - Charter amendments

Thereupon, Ms. Bleakley reviewed provisions of the Pinellas County Charter pertaining to the CRC, including the following:

- convenes every eight years
- consists of 13 members: one member of the Legislative Delegation, one elected city official, one Constitutional Officer, one County Commissioner, and nine citizen appointments by the BCC
- required to meet by the end of the third week of August to elect a Chair and Vice-Chair and establish rules
- must submit a report to the citizens by July 31, including any proposed Charter amendments and ballot questions, which are subject to voter approval in the November General Election
- subject to certain Constitutional restraints and Charter limitations

Responding to queries by Mr. Steck, Ms. Bleakley confirmed that Charter amendments can be initiated by the CRC, the BCC, and the citizens; that they can be either single or multiple subject; and that they require approval by the voters.

In response to query by Mr. Burke and noting that the matter is complex and litigated, Ms. Bleakley discussed two schools of thought with regard to the "dual vote" concept, one based on the constitutional provision of transfer of power that may have the effect of a city vote trumping a countywide vote, and the other based on the constitutionally afforded Charter power to determine if a city or a county prevails in a conflict between the two, and discussion ensued. Mr. Burke commented that it will be important for the members to have a clear understanding of the matter in the course of the Charter review; whereupon, Commissioner Long, referring to an example of a case involving a dual vote from Pinellas County history, requested that Ms. Hardwick obtain information on the case from the County Attorney's Office.

Responding to query by Representative Ahern, Ms. Bleakley clarified that the term "general law" is used to describe Florida Statutes or other acts passed by the legislature, including acts which are not codified; and that general laws should be distinguished from Special Acts, which are limited to local issues.

HIRING A CRC FACILITATOR AND GENERAL COUNSEL

Ms. Hardwick related that in addition to administrative duties, such as scheduling and guiding the meetings, preparing agendas, and arranging any guest speakers' visits, the facilitator will be instrumental in producing a final report due July 31, 2016.

Mr. Lauro related that Requests for Proposals (RFPs) were released for the facilitator and general counsel positions and provided copies of the responses received for each, which have been filed and made a part of the record. Responding to queries by the members, he indicated that the interview process by the Commission will consist of an oral presentation by the firms and questions by the members; that while the positions were broadly advertised and RFPs sent to dozens of firms, only four have submitted responses, two for the facilitator position and two for the general counsel position; and that he would provide the members with the reviews of the candidates completed by the Purchasing Department; whereupon, at the request of Mr. Steck, he briefly described the criteria used to rank the candidates, and Commissioner Long provided input.

Later in the meeting and responding to query by Ms. Caron, the Chairman indicated that the members may discuss any questions or concerns that may arise upon evaluating the Purchasing Department reviews at the next meeting; and that a separate ranking of the candidates by the members need not be conducted.

Mr. Pressman moved, seconded by Mr. Sewell, that all four firms be interviewed at the next meeting. Following discussion wherein Mr. Lauro indicated that Diane Meiller and Associates, Inc. was the higher-ranking facilitator firm, Mr. Burke moved that the motion on the floor be amended to remove the lower-ranking facilitator from the presentations based on prior experience, and Commissioner Long seconded the motion. In response to query by the Chairman, Mr. Sewell confirmed that he had seconded the original motion; whereupon, Mr. Shulman stated that it would be valuable for the members without prior knowledge of either facilitator to hear both presentations.

Chairman Olliver clarified that the decision before the Commission is to interview two law firms and the higher-ranking facilitator only; and upon call for the vote, the motion failed by a vote of 6 to 6, with members Bardine, Bell, Caron, Harless, Shulman, and Steck dissenting.

At the Chairman's request for a substitute motion, Mr. Shulman moved, seconded by Mr. Steck and carried, that all four firms be invited to the next meeting for an oral review (Vote 12-0).

Following discussion with input by Mr. Lauro, Mr. Pressman moved, seconded by Mr. Harless and carried, that each firm be allowed 15 minutes for a presentation and unlimited time to respond to queries by the members (Vote 12-0).

FUTURE MEETING DATES, TIMES, AND PLACES

In response to queries by the Chairman, Ms. Hardwick related that the previous Commissions met on average twice a month over a period of eight months; that since the current Commission is constituted for a year, it has more time to complete its work; and that she is uncertain whether the number of meetings included the two public hearings.

Following discussion, the Chairman indicated that the next two meetings are tentatively scheduled for Tuesday, September 8 and Wednesday, October 14 at 4:00 P.M. at the Election Service Center.

NEXT MEETING AGENDA

Ms. Bleakley indicated that the Commission will need to adopt rules of procedure, as they are not adequately addressed in the Charter; and that she will draft a set of rules to be reviewed at the next meeting; whereupon, the Chairman reminded the members that hiring of the general counsel and facilitator are also included on the agenda, noting that two hours will be set aside for that purpose.

Following discussion of additional agenda items, it was the consensus of the members that term limits and dual vote matters be addressed after hiring of the general counsel and the facilitator; and that the rules of procedure be discussed at the next meeting, but finalized at the third meeting, in order for the Commission's counsel and facilitator to participate in discussion.

Thereupon, Mr. Sewell moved, seconded by Ms. Bell and carried, that the next meeting agenda be approved (Vote 12-0).

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:46 P.M.

September 8, 2015

Largo, Florida, September 8, 2015

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80- 950, Laws of Florida) was held at the Election Service Center, 13001 Starkey Road, Largo, Florida, at 6:03 P.M. on this date with the following members in attendance:

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

Not Present:
Barclay Harless

Also Present:
Sarah M. Bleakley, Esq., Interim General Counsel
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other interested individuals
Laura M. Todd, Board Reporter, Deputy Clerk
Minutes by Helen Groves

AGEN
DA

1. Call to Order
2. Self-Introduction of CRC members
3. Public Comment on Items on this Agenda

4. Approval of Minutes – August 13, 2015 Meeting
5. Hiring a Charter Facilitator
6. Hiring a General Counsel
7. Interim General Counsel Report and Direction
    a. Rules of the CRC
    b. Charter's Dual Vote Requirement
    c. Term Limits
8. Approval of Future Meeting Dates
    a. November 9 – 11
    b. December 7 – 11 or 14 – 18
9. Approval of Agenda for Next Meeting – 4:00 P.M., October 14, 2015
    a. Items Carried Over from this Agenda
    b. Communication Plan/Public Outreach
    c. Other Issues as Necessary and Determined by the CRC
10. Adjournment

CALL TO ORDER

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

INTRODUCTIONS

Later in the meeting, Chairman Olliver welcomed Mayor Bradbury, noting that she had not been present for the formal introductions at the first meeting.

PUBLIC COMMENT

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

Greg Bowen, Clearwater
Adrian Wyllie, Palm Harbor
Dan Calabria, South Pasadena (presented documents)
Barbara Haselden, St. Petersburg
Ernest Ferro, St. Petersburg
Tony Caso, Palm Harbor

Debra Kurin, Palm Harbor
Adelle M. Blackman, Tarpon Springs
Jonathan Chambers, St. Petersburg

The citizens' comments included:

- Seventy-two percent of the electorate in Pinellas County voted for term limits in 1996.
- The County Commissioners who sat on the Board at the time validated the citizens' vote by unanimously voting in June of 2000 to let term limits stand. Commissioners Robert Stewart, Sallie Parks, and Barbara Sheen Todd honored the will of the citizens by stepping down.
- In 2012, the Florida Supreme Court ruled that term limits are constitutional in Charter counties.
- Except for Pinellas, all other Charter counties have enacted term limits after they were approved by the voters, including Broward, Palm Beach, Sarasota, and Duval.
- Requested County Commissioner Long and Clerk of the Circuit Court Burke, in his role as a Constitutional Officer, recuse themselves from the discussion/vote.
- Requested the Chairman set term limits for discussion on the next agenda for inclusion in the Charter, with no grandfathering of past terms of office.

Chairman Olliver thanked the citizens for their input, and pointed out that the term limit item is on the agenda today and will be fully aired by the Commission over time.

APPROVAL OF MINUTES – AUGUST 13, 2015 MEETING

Upon presentation of the minutes of the meeting of August 13, 2015, Commissioner Long moved, seconded by Mr. Sewell and carried unanimously, that the minutes be approved.

* * * *

Mayor Bradbury entered the meeting at 4:38 P.M.

* * * *

HIRING A CHARTER FACILITATOR - DIANE MEILLER AND ASSOCIATES, INC. SELECTED AS FACILITATOR FOR THE CRC

Chairman Olliver announced that two candidates would be making presentations; and that each candidate would be allowed 15 minutes for the presentation, and questions by the members would follow.

Diane Meiller and Associates, Inc.

Diane Meiller conducted a PowerPoint presentation and indicated that she established the firm in 2006, and has worked with many different municipalities and private institutions in Florida. She

introduced the members of her team, and each discussed the part they would play if the firm receives the contract. Ms. Meiller discussed the timeline involved with the Charter Review process, and indicated that if her firm receives the contract, its goal would be to facilitate the process to ensure that Pinellas County has a clear, concise Charter that supports a purpose-driven organization and community and meets the needs of its constituents; and that her team would be committed to working collaboratively with the CRC and the community.

In response to queries by Mr. Pressman, Ms. Meiller indicated that her firm has not worked with a Charter Review group before, and discussed how she arrived at the total cost of $48,000 and the time limit of 250 hours, relating that an hourly rate would come into play should the CRC request work not related to the proposal. In reply to follow-up questions by Ms. Caron and Chairman Olliver, she stated that communication expertise would be key in persuading the different types of representatives serving on the Commission to agree on the process and the areas it would be appropriate to become involved in; whereupon, Sara Brady, introduced as the communications expert on the team, provided input, indicating that tools such as surveys would be used to define the agenda; and that the team and the CRC would be working together on the top priorities.

In response to query by Mr. Steck, Ms. Meiller explained her business association with Mr. Burke, noting that she referred to her work with him in order to reflect her familiarity with Pinellas County, but did not use him as a reference as she wanted to avoid the appearance of a conflict of interest and also wanted to include the firm's most recent jobs.

In summary, Ms. Meiller stated that 99 percent of her firm's business comes from referrals, as it concentrates fully on the objectives of the clients; and that her team understands the uniqueness of Pinellas County and would model the work according to the County's particular needs; whereupon, she asked that the CRC select her firm to serve as its facilitator.

<u>Kurt Spitzer & Associates</u>

Herbert Marlow indicated that he is a subcontractor for Kurt Spitzer & Associates; that he has worked with Kurt Spitzer for over 20 years; and that he and Mr. Spitzer wrote the proposal together, and it was submitted by Mr. Spitzer. He related that Mr. Spitzer would be ultimately responsible for the project; and that he has more experience with Charter Reviews and owns a more complete database than does anyone else in Florida, noting that he is quite familiar with the Pinellas County Charter; whereupon, Mr. Marlow provided information about his own background and experience, particularly in the Tampa Bay area.

Mr. Marlow related that it would be natural for the CRC to be concerned that if it uses the same firm it did in the past, it would have the same results; that he would use a very different approach; and that the value he, himself, would bring as the facilitator would be significant and

important; whereupon, he described the steps he would take throughout the process.

In response to queries by the members, Mr. Marlow indicated that Mr. Spitzer had another commitment today, but would attend as needed throughout the process; that, including himself, the firm has four staff members, but is associated with an entire network of people who have experience with Pinellas County and would be available if needed; whereupon, he discussed the expected timeframe for the Charter Review process and confirmed that Kurt Spitzer & Associates has been the consultant for the Pinellas County Charter Review in the past.

In summary, Mr. Marlow stated that the Charter deserves the time and energy the CRC will devote to its review; whereupon, citing Mr. Spitzer's knowledge and his own skill and experience as a negotiator, he requested that the CRC select Kurt Spitzer & Associates as its facilitator.

Deliberation

Chairman Olliver stated that as only one of the attorney candidates was able to attend today's meeting, the CRC would need to make a decision on how to move forward; whereupon, Mr. Burke suggested that the members choose the facilitator at this time so the one selected could assist with questions regarding the selection of an attorney, and Commissioner Long concurred. Attorney Bleakley advised that although it is a public meeting, the Chairman could invoke the rule that allows him to ask the candidates to leave the room while a decision is made; whereupon, the two candidates for the facilitator position and the candidate for the attorney position left the room.

Chairman Olliver opened the floor for nominations; whereupon, Representative Ahern moved, seconded by Ms. Bell, that the Diane Meiller firm be selected as the facilitator, and discussion ensued.

Mr. Burke indicated that he represents the Constitutionals, and the group would like someone new. He related that the facilitator is supposed to be a neutral party, and the Diane Meiller firm fits that description; and that he was impressed by the presentation and well-written documents. In response to the concerns of Commissioner Long, Mr. Burke indicated that he was not part of the bid review process; whereupon, Ms. Hardwick confirmed that the evaluation team was solely evaluating the written proposals, and representatives of the firms were not present.

At the Chairman's request, the members offered their perspective on the candidates. Mr. Shulman related that he liked the Spitzer firm's plan to conduct interviews with the County Commissioners, the Mayors Council, and other stakeholders in order to get a broad scope of issues, and requested that if the Diane Meiller firm is selected, they be asked to make the interviews part of their activities.

In response to queries by the members, Attorney Bleakley advised that the CRC would need someone with Charter Review experience on the team, and discussion ensued as to whether the attorney selected could be charged with assisting the facilitator with questions regarding the Charter. Pinellas County Purchasing Director Joe Lauro provided input, stating that the request for proposal (RFP) clearly states that the attorney will work with the facilitator and the staff; and that during contract negotiations, the Purchasing Department will tie down the concerns and questions the members expressed today.

Following discussion and in response to query by the Chairman, the members confirmed that they are satisfied that the process in place allows for a proper vote for the facilitator.

Upon call for the vote, the motion to enter into contract negotiation with Diane Meiller and Associates, Inc. carried, with Mayor Bradbury abstaining. Attorney Bleakley advised that a member must vote unless they recuse themselves or declare a conflict of interest; whereupon, Mayor Bradbury voted aye, and the motion carried unanimously.

HIRING A GENERAL COUNSEL - VOSE LAW FIRM, LLP SELECTED AS GENERAL COUNSEL FOR THE CRC

Chairman Olliver announced that only the Vose Law Firm would be presenting today, as the principal for GrayRobinson could not attend and the firm had declined to send another representative. He pointed out that, recognizing that only the two top candidates for the facilitator and the general counsel positions would be presenting, the Commission had decided at the last meeting that should either of the firms not attend today's meeting, a decision would be made after the other firm presented, and the decision would not be revisited.

Vose Law Firm, LLP

Wade Vose, managing partner, indicated that the attorneys in his firm have extensive local government experience and deep, specialized experience in representing Charter Review Commissions, including his service as general counsel to the 2012 and 2016 Orange County Charter Review Commissions. He provided information about other members of his team, including his law partner Becky Vose, and indicated that if his firm is selected to represent the Pinellas County CRC, he would serve in the primary role of managing the relationship with the members, attending the meetings, and performing all general counsel duties; whereupon, he discussed his and his team's "can-do" attitude, indicating that the firm's job would be to find a way for the Commission to accomplish its goals.

Mr. Vose related that although it is an out-of-town law firm, there would not be a charge for

travel time or long-distance telephone calls; that the attorneys in the firm have never had a conflict of interest with Pinellas County or the Pinellas County CRC; and that they would be essentially immune from pressure that might come to bear on attorneys and firms with practices closer to or in Pinellas County. Mr. Vose indicated that he is familiar with the Pinellas County Charter, in particular with its unique characteristics, including the Special Act requirement relating to the Charter amendments concerning the status, duties, and responsibilities of the Constitutional officers, as well as the City-County dual vote requirement, noting that the dual vote requirement is much broader than the regulation versus transfer of services distinction provided for in the Florida Constitution.

In response to queries by the members, Mr. Vose confirmed that he would attend the CRC meetings, and Becky Vose would be his backup; and related that there are five attorneys in the firm, and, even though it is a boutique firm, it has a deep edge when it comes to local government representation. He explained what would constitute a conflict of interest, and stated that there would not be one relating to his work with the Orange County CRC; whereupon, he discussed confidentiality as it relates to attorneys working in the government versus those in the private sector, noting that in government, any written records created are public records.

In summary, Mr. Vose stressed that the CRC should have an outside voice to represent it, someone who is in no way involved in local politics, citing the ease in which an attorney can steer a conversation or an idea; whereupon, he requested that the CRC select his firm to serve as its attorney.

Deliberation

Chairman Olliver reiterated that the second-ranked firm, GrayRobinson, would not be presenting today; that the Commission had decided at its last meeting that should either of the firms not attend today's meeting, a decision would be made after the other firm presented, and the decision would not be revisited; whereupon, he stated that that decision could be reconsidered at this time should the members so decide, and no one called for a reconsideration.

Upon the Chairman's call for a motion, Mr. Burke moved, seconded by Mr. Pressman, that the CRC enter into contract negotiations with the Vose Law Firm. In response to queries by Mr. Steck and Mayor Bradbury, Attorney Bleakley confirmed that a conflict of interest is not inherent with the representation of two Charter counties; and that there is no legal concern with the CRC only interviewing one team before making its decision; whereupon, Chairman Olliver, with input by Mr. Lauro, pointed out that staff ranked the Vose Law Firm the No. 1 candidate.

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

INTERIM GENERAL COUNSEL REPORT AND DIRECTION

Rules of the CRC

Attorney Bleakley related that the CRC had directed that she prepare a set of draft rules for it to consider and act upon once a general counsel is selected. She reviewed the rules specified in the Charter and the rules that were adopted by the 2010 CRC, whereupon, she discussed the following proposed rules, noting that they can be found on Page 3 of the agenda memorandum pertaining to Rules, which has been filed and made a part of the record.

1. Speaker Sign In

   A public sign-in sheet and appearance cards shall be provided for each meeting of the CRC.

2. Public Comment Requirements

   An opportunity for public comments shall be held at the beginning of each meeting for comments on a topic that is included on the CRC's agenda for that meeting. There shall be a three-minute time limit for each speaker unless the Chairman determines that a shorter time limitation is warranted based on the number of speaker cards submitted.

3. CRC Vote Requirements

   a. A majority vote shall be required to move an issue forward at the time it is discussed and at the last meeting prior to the public hearings.

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

   c. In order for an amendment or revision to the Charter to be placed on the ballot in November 2016, the amendment or revision must receive an affirmative vote of at least eight members of the CRC. (Note: There are 13 members of the CRC. An eight vote approval requirement would be a majority plus one of the membership).

4. Recorded Votes

   The votes of each CRC member shall be recorded by the Clerk.

5. Expenses

   Approval of the expenses of the Facilitator and General Counsel are delegated to the CRC Chairman.

Comments and Discussion

Chairman Olliver asked for comment on the proposed rules provided by Attorney Bleakley and for suggestions as to others they would like to consider:

In response to query by Mr. Pressman regarding the reasoning behind Item 3b, Attorney Bleakley indicated that the rule is historical and probably the rationale was to prevent discussing the same issue at every meeting. Commissioner Long concurred and provided input, noting that the CRC is bound by statute to complete the review process in a defined length of time.

During discussion regarding vote requirements, Chairman Olliver, with input by Attorney Bleakley, clarified that a majority of the entire membership would be required to put an item on the ballot, but for other votes, only a majority of the votes of the members in attendance at a meeting would be necessary.

Citing Sunshine and public meeting rules, Mr. Burke expressed concern that everyone attending the meeting tonight was asked to sign in at the front desk, and Attorney Bleakley confirmed that, legally, people attending a meeting, but not speaking, could not be required to sign in, and discussion ensued as to whether it might be a security issue or a requirement for this particular building and, if so, whether it might be necessary to hold the meetings at another location. Later in the meeting in response to the concerns of Ms. Caron that continuing to have the meetings at the Election Service Center might be problematic, Chairman Olliver asked for consensus that the meetings would be held in a central location where all attendees are not required to sign in, and no objections were noted; whereupon, following discussion and at the direction of the Chairman, Ms. Hardwick agreed to research the options and communicate with the group.

<u>Rules and Suggestions Proposed by Members for Consideration:</u>

Commissioner Long	Required attendance.
Chairman Olliver	Length of meeting. Set an outside time limit of two or two and one-half hours per meeting.
Chairman Olliver	Public outreach. Allow public to get feedback on each meeting as easily and seamlessly as possible through electronic media.
Mayor Bradbury	Set time limit for each agenda item and/or set timeframe around agenda item designating the time an item will be heard.
Mayor Bradbury	Hold meetings at different locations throughout the county.

During discussion and referring to the proposed rule regarding required attendance, Representative Ahern related that this would present difficulties for him, as the legislature would

be in session in January and February. Mr. Burke clarified that the last Charter Review Commission held some meetings in the Swisher Building in downtown Clearwater and some at the Tax Collector's Office in Largo; and that one public hearing was held in the St. Petersburg City Council Chambers and the other one was held in the Board of County Commissioners Assembly Room.

Following discussion, Chairman Olliver stated that at the next meeting, the CRC would consider the rules proposed by Attorney Bleakley and the rules proposed by the members regarding the length of the meetings and required attendance, and no objections were noted; whereupon, Ms. Hardwick confirmed that the members should forward their suggestions to her until the contracts with the facilitator and the attorney are in force.

Charter's Dual Vote Requirement

Attorney Bleakley referred to the agenda memorandum regarding the Charter's dual vote requirement, which has been filed and made a part of the record, provided historical background information, reviewed the provisions in the current Charter relating to the dual vote, and advised that she found nothing that would prohibit the CRC from considering the issue. Mayor Bradbury asked that the Charter Review attorney also provide an opinion; whereupon, Chairman Olliver stated that the CRC would consider the issue, and no objections were noted.

Term Limits

Attorney Bleakley referred to the agenda memorandum regarding term limits, which has been filed and made a part of the record, and provided background information, discussed recent litigation, and advised that the rule of law for the term limits provision that was voted on many years ago is that it is not applicable to Pinellas County officials; however, should it be the will of this Body, a term-limit provision for the Board of County Commissioners could be instituted in the Charter that would stand court muster; whereupon, she cautioned that should the CRC decide to consider term limits for the Constitutional Officers, more research would be needed.

Chairman Olliver indicated that the term limits issue would be discussed and debated by the CRC, and no objections were noted. Mr. Steck queried whether the same Justices were on the Supreme Court for both rulings, and discussion ensued wherein Mr. Burke indicated that there had been several changes, and Ms. Bleakley provided input; whereupon, Ms. Bleakley stated that she would research the matter and provide an answer.

APPROVAL OF FUTURE MEETING DATES

Following discussion, Chairman Olliver indicated that the CRC would meet at the Election Service Center, unless notified differently by Ms. Hardwick, on the following days:

Wednesday, October 14, 2015 at 4:00 P.M.
Thursday, November 12, 2015 at 3:30 P.M.
Thursday, December 10, 2015 at 3:30 P.M.

APPROVAL OF AGENDA FOR NEXT MEETING – 4:00 P.M. OCTOBER 14, 2015

Items Carried Over from this Agenda

Communication Plan/Public Outreach

Mr. Burke indicated that he was pleased to learn of the importance the new facilitator placed on communication, and recommended that they develop a plan with the Pinellas County Communications Department to inform the citizens of Pinellas County that the Charter Review Commission exists, why it exists, and that it is seeking citizen input.

Mayor Bradbury indicated that she would share the information with the Mayor's Council at its next meeting, and suggested that information be provided to the City Clerks to place on their websites. Commissioner Long offered to be the liaison within County government and indicated that she would make an announcement at the next Board of County Commissioners meeting, place the meetings on the County Calendar, and coordinate with Ms. Hardwick to have someone from the Communications Department at the next meeting. Representative Ahern agreed that the citizens need to be provided with information, and suggested making public service announcements. Mr. Steck concurred, and suggested adding the meetings to the Tampa Bay Times public event calendar and notifying the cable channels; whereupon, Chairman Olliver commented that he hopes the minutes provide details about the discussions.

Other Issues as Necessary and Determined by the CRC

Chairman Olliver indicated that the next agenda would include public comments, preliminary reviews from the facilitator and the attorney on their action plans, further discussion of the CRC rules, a communication plan, and meeting dates for 2016.

For the convenience of the citizens and the members, Chairman Olliver directed that for future meetings, an electronic version of the agenda and back-up material be displayed on a screen and extra hard copies be provided at the meeting, and Ms. Hardwick agreed to make the arrangements.

Thereupon, upon the Chairman's call for a motion, Mr. Sewell moved, seconded by Commissioner Long and carried unanimously, that staff, in consultation with the Chairman, be authorized to add items to the agenda that may be necessary for a quarterly meeting and for an

efficient process for moving the CRC forward.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:34 P.M.

October 14, 2015

Largo, Florida, October 14, 2015

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

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

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

AGENDA

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

a. Initial Comparative Analysis of County Charter Provisions

5. Facilitation Team Introduction, Report, and Direction (DM&A)

   a. Commission Member Expectations
   b. Operating Rules
   c. Calendar of Meetings: Dates, Times, Locations
   d. Communication Plan
   e. Review of Overall Timeline and Milestones

6. High Level Discussion of Current Charter Issues (DM&A)

7. Discussion on Agenda for the Next Meeting (CRC Chairman)

8. Adjournment (CRC Chairman)

CALL TO ORDER

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

PUBLIC COMMENT

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

Fred Kiehl, Largo

H. Patrick Wheeler, Palm Harbor (presented white paper)

Nicolas Tomboulides, Melborne

Dan Calabria, South Pasadena

Tony Caso, Palm Harbor

Jim Pruitt, Clearwater

Norm Lupo, Clearwater (displayed American Flag)

Freddy Ferro, St. Petersburg

Adelle Blackman, Tarpon Springs (displayed American Flag)

Tom Rask, Seminole

Marcus Harrison, Palm Harbor

Jo An Totty, Palm Harbor

Stacey Sellede, St. Petersburg

Linda Skempris, St. Petersburg

Peter Franco, Palm Harbor

Dr. David McCalip, St. Petersburg

Deb Caso, Palm Harbor

Nancy Davis, Seminole

Barbara Haseldon, St. Petersburg

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

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

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

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

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

- The Charter is very powerful, and the CRC decision goes straight to the ballot. Although the Charter recommendations do appear on a BCC agenda, the Board has no authority to interfere with them, and can only ensure that the form and the statutory language are appropriate for the ballot.

- Pinellas County already has a very strong lobbying ordinance, one that Hillsborough County is seeking to replicate.

- Pinellas County has received $7 million from the BP oil spill. Discussion has not begun about how the money will be spent, but the BCC has no interest in spending it on projects with recurring expenses, as it is a one-time revenue source.

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

MINUTES OF SEPTEMBER 8, 2015 MEETING - APPROVED AS AMENDED

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

GENERAL COUNSEL INTRODUCTION AND REPORT

INITIAL COMPARATIVE ANALYSIS OF COUNTY CHARTER PROVISIONS

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

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

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

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

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

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

* * * *

Mayor Bradbury left the meeting at 7:35 P.M.

* * * *

FACILITATION TEAM INTRODUCTION, REPORT, AND DIRECTION

COMMISSION MEMBER EXPECTATIONS

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

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

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

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

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

OPERATING RULES

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

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

1. Speaker Sign In - A public sign-in sheet and appearance cards shall be provided for each meeting of the CRC - APPROVED.

2. Public Comment Requirements - TO BE REVISITED

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

3. CRC Vote Requirements

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

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

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

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

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

4. Recorded Votes - The votes of each CRC member shall be recorded by the Clerk - APPROVED.

5. Expenses - Approval of the expenses of the Facilitator and General Counsel are delegated to the CRC Chairman - APPROVED.

CALENDAR OF MEETINGS: DATES, TIMES, AND LOCATIONS

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

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

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

REVIEW OF OVERALL TIMELINE AND MILESTONES - TO BE REVISITED

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

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

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

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

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

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

COMMUNICATION PLAN – TO BE REVISITED

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

* * * *

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

* * * *

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

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

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

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

Upon call for the vote, the motion carried unanimously.

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

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

HIGH LEVEL DISCUSSION OF CURRENT CHARTER ISSUES – DEFERRED

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

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

DISCUSSION ON AGENDA FOR THE NEXT MEETING

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

ADJOURNMENT

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

November 10, 2015

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

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

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

Not Present

Sandra L. Bradbury, City of Pinellas Park Mayor

Also Present

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

AGENDA

1. Call to Order (CRC Chairman)

2. Public Comment on Items on this Agenda (CRC Chairman)

3. Approval of Minutes – October 14, 2015 Meeting (CRC Chairman)

4. General Counsel Report (Vose Law Firm)

5. Facilitation Team Report and Direction (DM&A)

    a. Recap and Action Item Review
    b. Operating Rules
    c. Communication Plan
    d. Website Recommendations
    e. Referendum Topics to Date

6. Discussion on Agenda for the Next Meeting (DM&A)

7. Adjournment (CRC Chairman)

CALL TO ORDER

Chairman Olliver called the meeting to order at 6:00 P.M. and welcomed those in attendance.

PUBLIC COMMENT

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

Adelle Blackman, Unincorporated Tarpon Springs

Debra Caso, Palm Harbor

Tony Caso, Palm Harbor

Marcus Harrison, Palm Harbor

J. B. Pruitt, Clearwater

Freddy Ferro, St. Petersburg

Charles White, Clearwater

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

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

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

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

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

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

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

MINUTES OF OCTOBER 14, 2015 MEETING - APPROVED

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

GENERAL COUNSEL REPORT

CARRY OVER TOPICS FROM 10/14/15 MEETING

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

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

Attorney Vose stated that the character of this CRC is unique in that by the terms of the Charter, a member of the Legislature is required to participate, and the Legislature would be in session for a part of the time this body is meeting; and that this uniqueness would seem to qualify as an extraordinary circumstance; whereupon, he recommended that the CRC come to a general understanding of what would be considered an extraordinary circumstance.

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

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

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

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

Referencing a document titled *County Charter Provision Comparisons* presented at the October meeting, Attorney Vose clarified that the Pinellas County Administrator can be removed either

by a vote of four members of the BCC voting for removal in two consecutive regular scheduled meetings of the Board or by a vote of five members of the BCC in one meeting; whereupon, in response to query by Mr. Steck, he confirmed that the Pinellas County Charter is clear on the point.

FACILITATION TEAM REPORT AND DIRECTION

RECAP AND ACTION ITEM REVIEW

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

OPERATING RULES

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

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

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

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

Mr. Shulman expressed concern that the second meeting requirement might hamper the work of the CRC, and Mr. Steck suggested that Operating Rules appear as a standard item on each agenda; thereupon, Chairman Olliver directed that the Rule on public comment be amended to

include a sentence saying any action that would impact an amendment to the Charter would be voted on in a subsequent meeting; and that the motion on the floor encompass that, and no objections were noted.

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

COMMUNICATION PLAN

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

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

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

WEBSITE RECOMMENDATIONS

Ms. Meiller-Cook reviewed the website recommendations, which have been filed and made a part of the record, and answered queries by the members. Mr. Burke pointed out that there is

misdirection on the Public Input and Contact Us pages regarding sending material to the CRC, and Ms. Meiller-Cook indicated that those would be corrected. Mr. Shulman related that he had difficulty finding specific information when he looked at the meetings and agendas on line; whereupon, noting the size of the files, he suggested using links, indexes, and other methods to make it easier for the public.

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

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

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

REFERENDUM TOPICS TO DATE

Chairman Olliver indicated that the members have had a chance to review the chart on Page 16 of the agenda packet, which has been filed and made a part of the record, and that he would like them to determine (1) how Charter referendum ideas will be generated, (2) which ideas to consider and which do not belong in the Charter, and (3) whether the next meeting would be

used to tackle one of the ideas listed on the chart or to continue the brainstorming session to develop a list of appropriate topics for the CRC to consider.

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

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

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

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

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

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

DISCUSSION ON AGENDA FOR THE NEXT MEETING

Chairman Olliver indicated that the first item on the December agenda would be a discussion about how Charter referendum ideas will be generated and how to handle a topic that comes before the Commission for discussion; that the majority of the meeting would be spent brainstorming ideas and formulating a list of referendum topics; that the Commission would decide whether to address the dual vote in February; and that a full discussion would be held about items that are obsolete and can be removed from the Charter; whereupon, Mr. Burke indicated that he would coordinate with Mr. Vose and the County Attorney about obtaining information regarding obsolete items in the Charter.

ADJOURNMENT

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

December 9, 2015

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

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, at 3:30 P.M. on this date with the following members in attendance:

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

Not Present
Sandra L. Bradbury, City of Pinellas Park Mayor
Todd Pressman

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other interested individuals
Michael Schmidt, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)

2. Public Comment on Items on this Agenda (CRC Chairman)

3. Approval of Minutes – November 10, 2015 Meeting (CRC Chairman)

4. General Counsel Report (Vose Law Firm)
   Status of Workshop Topic on Term Limits for January Meeting

5. Facilitation Team Report and Direction (DM&A)
   a. "Request a Speaker"
   b. Website Update

6. Charter Amendment Topics
   a. Obsolete Provisions (County Attorney's Office)
   b. Brainstorm Topics (DM&A)
   c. Rules for Moving a Topic Further (DM&A)
   d. Sequencing Discussion of Topics To-Date (DM&A)

7. Discussion on Agenda for the Next Meeting (CRC Chairman)

8. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

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

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

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

PUBLIC COMMENT

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

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

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

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

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

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

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

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

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

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

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

* * * * MINUTES

OF NOVEMBER 10, 2015 MEETING - APPROVED

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

GENERAL COUNSEL REPORT

STATUS OF WORKSHOP TOPIC ON TERM LIMITS FOR JANUARY MEETING

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

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

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

FACILITATION TEAM REPORT AND DIRECTION

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

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

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

REQUEST FOR A SPEAKER

Vice-Chairman Steck and Ms. Meiller-Cook discussed the process for handling speaker requests, and indicated that the facilitator will notify the members and request a volunteer when a request is received and will coordinate the speaking engagement with the volunteer and the requesting organization.

WEBSITE UPDATE

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

CHARTER AMENDMENT TOPICS

OBSOLETE PROVISIONS

Sections 2.04(t) and 2.07 - Removed

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

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

Attorney White suggested that the CRC might wish to remove the two paragraphs that state that

they are reserved and the footnote, and discussion ensued regarding the resulting numbering of the sections should the paragraphs be removed; whether the language should remain to provide historical context; and whether the Commission could or should give permission to Municipal Code Corporation or the County Attorney to do automatic cleanups as necessary. Attorneys Vose and White answered queries by the members, and in response to query by Clerk Burke, Attorney Vose indicated that he would do further research on the legal requirements for removing obsolete provisions and report at a future meeting.

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

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

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

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

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

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

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

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

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

Discussion Re Charter Topics

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

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

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

BRAINSTORM TOPICS (DM&A)

Ms. Meiller-Cook referenced a document she handed out today titled *Pinellas County Referendum Issues to Date*, a copy of which has been filed and made a part of the record, and indicated that it is a list of 12 topics that have been suggested either by the public or by a member of the Commission, and discussion ensued wherein Commissioner Long commented

that the Commission has already determined that some of the items on the list are not appropriate for Charter review.

RULES FOR MOVING A TOPIC FURTHER (DM&A)

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

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

SEQUENCING DISCUSSION OF TOPICS TO-DATE

1. Term Limits - Sponsored by Representative Ahern and Dr. Sewell

2. Dual Vote - Sponsored by Messrs. Steck and Bardine

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

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

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

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

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

5. Speakers at Board of County Commissioner meetings should have five minutes to speak - Stricken from Consideration Due to Lack of a Sponsor

6. Shall there be a revision of pay for the County Commissioners? - Stricken from Consideration Due to Lack of a Sponsor

7. Shall County Commissioners be required to acknowledge receipt of a communication within five days? - Stricken from Consideration Due to Lack of a Sponsor

8. Greater representation from unincorporated areas of Pinellas County (to include No. 11) – Sponsored by Clerk Burke and Ms. Caron

9. Section 2.02(e) Protection of Human Rights: Change "sex" to "gender and sexual orientation" - Sponsored by Messrs. Shulman and Harless

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

10. Change Civil Preparedness in Section 2.04(k) to "Emergency Preparedness" – Attorney Vose to Group with Other Small Changes

11. Can seven Commissioners appropriately represent all citizens? - Sponsored by Clerk Burke and Ms. Caron (will be researched with No. 8 re unincorporated areas representation)

12. Consolidation – No Decision

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

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

1. PSTA (Clerk Burke) Chairman Olliver indicated that the PSTA discussion would be added as a topic to be researched.

2. Pinellas County Public Safety System, including Police, EMS, and Fire System (Commissioner Long).

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

3. Animal Services (Ms. Caron).

4. Accountability from elected officials (Mr. Shulman):
   a. Extend the term for County Commissioners to six years and put them on a rotating basis (to be included under No. 1 - term limits).
   b. Add a recall provision for the County Commissioners and, if possible, for the Clerk, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector.

5. Change the Clerk, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector to non-partisan elections in that they serve a public need and should not be political offices (Mr. Shulman) - Sponsored by Messrs. Shulman and Bardine.

6. Provide a method for citizens to petition a Special Act and to repeal or amend a County ordinance (Mr. Shulman).

7. Let the unincorporated areas have a dual vote, as do the municipalities (Mr. Shulman) (to be included in No. 8).

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

9. Restrict campaigning to 30 days before an election (Vice-Chairman Steck).

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

DISCUSSION ON AGENDA FOR THE NEXT MEETING

Chairman Olliver indicated that items to be discussed at the next meeting will include (1) ground rules for first and second votes on a topic, (2) review suggestions not on today's list of topics, and (3) follow-up on some of the topics on today's list that will not need extensive research, and

no objections were noted.

ADJOURNMENT

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

January 6, 2016

Clearwater, Florida, January 6, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, at 3:30 P.M. on this date with the following members in attendance:

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

Not Present
Johnny Bardine
Joshua Shulman

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other interested individuals
Jenny Masinovsky, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)

2. Public Comment on Items on this Agenda (CRC Chairman)

3. Approval of Minutes – December 9, 2015 Meeting (CRC Chairman)

4. General Counsel Report (Vose Law Firm)
   Update on Assigned Research

5. Facilitation Team Report and Direction (DM&A)
   a. Process Flow for Moving a Topic Forward
   b. Status on Running List of Topics
   c. Website Update

6. Charter Amendment Topics (DM&A)
   a. New Topics via Email (Items 21-24)
   b. Recall Provision for Elected Officers
   c. Section 2.02(e) Human Rights
   d. Change Election of Constitutional Officers to Non-Partisan
   e. New Topics from CRC Members
   f. Scheduling Next Topics

7. Review of Action Items (CRC Chairman)

8. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

Chairman Olliver called the meeting to order at 3:30 P.M. and welcomed those in attendance; whereupon, as an informational item, he related that the Board Reporter takes attendance at each meeting, and the minutes reflect members who are present and absent and show the late arrivals.

Later in the meeting, Chairman Olliver announced that the items on the agenda are not necessarily in the same order as on the agenda initially posted on the website.

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and expressed their concerns:

H. P. Wheeler, Palm Harbor – (1) 2016 Schedule, and (2) Term Limits.

David Ballard Geddis, Jr., Palm Harbor – Section 2.02(e) Human Rights re gender and sexual orientation (submitted handouts).

John Shaw – Make elections partisan; show party affiliation on the ballot for the sake of transparency and convenience of the voters.

Todd Jennings, Belleair – Make elections partisan for Constitutional Officers.

Dan Jordan, Clearwater - (1) Make elections partisan for Constitutional Officers and (2) Term Limits.

Barbara Haselden, St. Petersburg - Show party affiliation on the ballot for municipal elections and for Constitutional Officers.

J. B. Pruitt, Clearwater – (1) Term Limits, (2) change composition of CRC, (3) institute test for knowledge of U.S. and Florida Constitution for County Commissioners, Constitutional Officers, and voters, and (4) make elections non-partisan.

Dr. Stephanie Montor, St. Petersburg – Make elections partisan; party affiliation matters.

Marcus Harrison, Palm Harbor (unincorporated) – (1) Procedure for deciding topics to move forward, (2) allow citizens to comment on topics immediately before vote is taken, (3) let the voice of the citizens be heard, (4) open up primary elections, and (5) party affiliation knowledge is helpful to uninformed voters.

In response to query by Clerk Burke and recognizing the complications of the Dual Vote provision in the Pinellas County Charter, Attorney Vose advised that the County Charter probably could not override a Municipal Charter; that no other Charter County in Florida addresses whether the municipal elections are partisan or nonpartisan; that it is permissible for cities to have partisan elections; and that the most direct route would be for the citizens to take up the matter with the cities; whereupon, he agreed to research the issue further.

* * * *

During public comments, Mayor Bradbury and Representative Ahern joined the meeting.

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MINUTES OF THE DECEMBER 9, 2015 MEETING – APPROVED AS AMENDED

Upon presentation by the Chairman, Mr. Sewell moved, seconded by Mr. Steck, that the minutes of the December 9, 2015 meeting be approved. Following discussion, Chairman Olliver stated that the motion would include an amendment to Item 1 under *Sequencing of Topics* (Page 8) to show that the topic *Term Limits* was sponsored by Representative Ahern and Mr. Sewell, and no objections were noted. Upon call for the vote, the motion to approve the minutes as amended carried unanimously.

GENERAL COUNSEL REPORT

UPDATE ON ASSIGNED RESEARCH

Attorney Vose referenced his memorandum to the members relating to the amendment of the Pinellas County Charter to provide for the recall of County Commissioners and Constitutional Officers, and related that he would address the subject later in the meeting when it appears on the agenda; and that he will provide an analysis regarding partisan and non-partisan elections as soon as the order is handed down in a trial case currently pending in Orange County; whereupon, he requested direction as to the form of information the CRC would like him to provide for the Consolidation of Public Services and the Pinellas Suncoast Transit Authority (PSTA) topics.

FACILITATION TEAM REPORT AND DIRECTION

PROCESS FLOW FOR MOVING A TOPIC FORWARD

Ms. Meiller-Cook reviewed the process for moving a topic forward decided upon at the last meeting and shown on the chart included in today's agenda packet; whereupon, Chairman Olliver related that he left the last meeting concerned that the model does not seem to fit long term, as it does not address the extent of research needed, does not provide a clear process to cull the list, and does not specify that a majority vote is required to put an item on the ballot.

Commissioner Long concurred, and stated that it is her understanding that as the Florida Supreme Court has ruled on term limits, the topic is no longer relevant. Attorney Vose stated that the ruling of the Supreme Court is not the end of the story and provided background information. He related that citizens believe that because they approved term limits when they were placed on the ballot by the Charter Review Commission of 1996, this Commission should decree that they be placed in the Charter; and that his legal opinion is that due to the most recent litigation, this body does not have that authority; whereupon, he asked that the Commission declare its intent going forward regarding term limits and provide direction as to how it would like him to direct his research.

In response to a suggestion by the Chairman, Commissioner Long moved, seconded by Mr. Harless, that a majority of the Commission must agree before a topic can be moved forward for substantive research/workshop, and discussion ensued. Clerk Burke provided input, suggesting that the sponsor make a short presentation before the Commission decides whether to move a topic forward, and the Chairman concurred that a discussion on the merits of the topic was assumed in the motion, and no objection was noted. Mr. Pressman proposed that due to public interest in the more controversial topics, the vote should be shown as a preliminary vote, and Ms. Meiller-Cook suggested that the term "interest-level" be used; whereupon, Commissioner Long

accepted the suggestion as a friendly amendment, and the seconder concurred.

In response to query by Ms. Caron, Chairman Olliver reviewed the Commission's timeline, noting that it may be adjusted moving forward. He indicated that the referendum language should be ready to move forward in May; and that two public hearings must be held before the referendum comes back before the CRC for a final super-majority vote; whereupon, in response to a comment by Commissioner Long, Attorney Vose advised that once it leaves the CRC, neither the Board of County Commissioners (BCC), the County Attorney, nor any other body can make changes to the referendum language.

Upon call for the vote, the motion carried unanimously.

STATUS ON RUNNING LIST OF TOPICS

Ms. Meiller-Cook reviewed the status of the ten topics on the list, noting that Attorney Vose is researching Term Limits and the Dual Vote and has asked for further direction as to the type of research the Commission requires; whereupon, Mr. Steck expressed concern that the Commission would be overwhelmed at the last minute and suggested scheduling the items as soon as possible.

Term Limits – Continued to February 17 Meeting

Clerk Burke moved, seconded by Mr. Sewell, that the Term Limit discussion be held at the first meeting in February and a workshop be scheduled. Following discussion, Clerk Burke agreed that the topic would be addressed at the February 17 meeting instead, and the seconder concurred; whereupon, after confirmation by Attorney Vose that the research would be complete and upon call for the vote, the motion carried unanimously. Later in the meeting, Ms. Meiller-Cook confirmed with the members that a speaker other than Attorney Vose would not be necessary.

Dual Vote – Continued to January 20 Meeting

In response to query by the Chairman as to whether the Commission would like to move forward with the Dual Vote issue, Commissioner Long provided historical information, opining that while the Dual Vote is unconstitutional, she is concerned that the issue would cause a firestorm that the Commission and the County are not prepared to address. Chairman Olliver commented that the County has stipulated that Term Limits are constitutional; whereupon, Mayor Bradbury confirmed that the Mayors have agreed to come out in full force against allowing the Dual Vote topic to move forward. Following discussion in which Ms. Meiller-Cook reviewed why the topic was included on the list, Chairman Olliver suggested deferring a decision until the next meeting to allow the public and the Mayors to provide input. Clerk Burke indicated that he would like to

have information presented explaining how the County has been impacted by the Dual Vote, and following discussion and with the concurrence of Chairman Olliver and Attorney Vose, Clerk Burke agreed to ask the County Attorney to provide historical insight and report to the full Commission at the January 20 meeting.

Selection of CRC Members – Continued to January 20 Meeting

Later in the meeting, Commissioner Long indicated that she would ask the Florida Association of Counties to forward information to Chairman Olliver regarding ways other counties select CRC members.

Greater Representation for the Unincorporated Areas - Continued

The facilitator indicated that the Commission needs to provide direction regarding the type of research it needs (see County Redistricting under agenda item New Topics from CRC Members).

Section 2.02(e) Human Rights – Discussed and Action Taken Later in the Meeting

Consolidation of Public Services – Continued

The facilitator indicated that time is of the essence, as the subject would require extensive research and resources. The topic was discussed later in the meeting.

Recall Provision – Discussed and Action Taken Later in the Meeting

Partisan/Non-Partisan Elections – Discussed and Action Taken Later in the Meeting

The facilitator pointed out that the public brought the subject up again today.

Campaign Restrictions – Continued to January 20 Meeting

Questioning whether the Charter is the appropriate place for restrictions on campaigning, Commissioner Long related that the County and most of the cities already have ordinances regulating elections. Attorney Vose advised that the Florida Statutes preempt most county and city regulations, and suggested the Commission narrowly tailor the restrictions it wishes to evaluate, and at the request of Clerk Burke, discussed the term “preemptive” as it relates to restrictions that might be prohibited by statute; whereupon, Mr. Steck indicated that he would so refine the amendment he plans to submit at the next meeting.

Can County Take Over Responsibility for PSTA – Continued to January 20 Meeting

Attorney Vose outlined legal issues his research has revealed, including that the PSTA was created by a Special Act; that it may not have been voted on by the citizenry; and that it is questionable whether the CRC has the right to act on a Special Act that was in existence prior to the Charter being created; whereupon, he asked for direction from the Commission as to the amount and type of research they would expect and, noting that extensive research by him would be expensive, suggested that PSTA officials be invited to appear before the Commission and provide historical background information, and discussion ensued.

Clerk Burke related that the reason he introduced the topic is that the PSTA is not a countywide organization, as some municipalities have opted out, yet still receive bus service. Citing the County's attempt to mend fences and create partnerships with the cities, Commissioner Long suggested that the leaders be invited to appear before the Commission and asked to participate in the PSTA discussion, noting that many things have changed since they opted out. Chairman Olliver related that cost should be a consideration, both the loss PSTA realizes because the cities opt out and the cost the cities would incur should they participate, and Ms. Caron concurred. Mayor Bradbury suggested that the County work with the cities to address the problem, similar to how the Metropolitan Planning Organization (MPO) and the Pinellas Planning Council (PPC) were unified.

In response to query by Representative Ahern, Attorney Vose confirmed that the Dual Vote requirement would come into play; that the Dual Vote applies to any issue that affects any change in function, service, power, or regulatory authority of a municipality; and that if the referendum passed countywide, but did not pass in the cities, enforcement would be difficult and litigation would be almost certain; whereupon, in response to a request by Clerk Burke, he agreed to advise the Commission when a topic is proposed whether it would trigger the Dual Vote requirement.

Thereupon, Chairman Olliver confirmed that Attorney Vose would do additional preliminary research that would include a determination of whether the matter lies within the authority of the CRC, and the CRC would decide at the January 20 meeting whether the topic would be advanced, and no objections were noted.

WEBSITE UPDATE

Ms. Meiller-Cook reported that the biographies of the members have been posted, the new public input form is in use, and the parking information regarding the meetings has been added.

MEETING PLACES AND PARKING

Chairman Olliver confirmed that the meetings would move to the County Extension Center for the April 6 meeting and explained why very few locations are suitable. In response to a comment by Mayor Bradbury that parking would be needed to accommodate the many mayors who would be attending the meeting when the Dual Vote is discussed, Ms. Hardwick presented an update on the parking situation, relating that the City of Clearwater is allowing the use of the 100 to 120 parking spaces at City Hall, located directly behind the Utilities building, and the information can be found on the website; whereupon, Clerk Burke recommended putting signs outside the building pointing to the City Hall parking lot, and Chairman Olliver asked that signs be used for future meetings when extra people might be expected.

CHARTER AMENDMENT TOPICS

Ms. Meiller-Cook indicated that Items Nos. 21-24 are new topics received via email, and would be addressed first; whereupon, she read each topic verbatim. During discussion of the new topics, Mr. Sewell recommended that after the CRC is adjourned in July, the Chairman send appropriate letters to the BCC Chairman recommending that, moving forward, the BCC take the topics into account; whereupon, Chairman Olliver concurred and directed the facilitator to collect the correspondence regarding public input, as the Commission seems to support citizen input but believes the CRC is not the proper forum to address the matter, and no objections were noted.

NEW TOPICS VIA EMAIL (ITEMS 21-24) REMOVED FROM LIST

BCC Appointments to Boards, Councils, and Committees/Special Districts Should Be Made by the County Commission as a Whole; No Individual County Commissioner Appointments Permitted (Item 21) – Removed From List

Attorney Vose indicated that the topic lies within the power of the CRC and could be added to the Charter; that the legal effect would be to override certain County ordinances, which would have to be amended; and that the item would not require further research; whereupon, Commissioner Long stated that all Board appointments are made from a list of applications submitted through the County website, and the people appointed are usually chosen because they have a particular expertise. A voice vote was taken in which no one voted to move the topic forward.

Update Charter to Require BCC to Allow "Comment Cards" Addressing Specific Agenda Items to be Sent Electronically (Item 22) – Removed From List

Commissioner Long explained the current process used to recognize comments on public hearing items; whereupon, Chairman Olliver commented that the only difference in the current operational policy and that proposed is that the correspondence is not read into the record. A voice vote was taken in which no one voted to move the topic forward.

Clarify in the Charter that the County Administrator Shall Not Be Given Authority to Make Appointments to Any Boards, Commissions, or Agencies (Item 23) – Removed From List

Commissioner Long stated that she has no knowledge of any committee appointments made by the County Administrator; whereupon, the Chairman directed that the matter be deferred to the next meeting to allow him and Commissioner Long to contact the County Administrator for specifics on whether this currently occurs or if it has occurred, and no objections were noted.

Later in the meeting, Commissioner Long indicated that she has learned that the County Administrator makes recommendations for appointments, but they are subject to approval by the BCC; whereupon, she moved, seconded by Mr. Sewell and carried unanimously, that Topic 23 be removed from the list.

Security of Rights of Citizens (Grievance Procedure to Challenge Actions or Ordinances Established by the BCC That May Be Unlawful, With Legal Fees to be Paid by the County) (Item 24) – Deferred

Commissioner Long stated that the County Attorney is present at all BCC meetings, and he would not allow the Board to do anything unlawful. Following discussion, Chairman Olliver indicated that the person who submitted the topic would be asked to appear at the next meeting and explain the grievances, where they are occurring, and why he believes business is not being carried out in an appropriately legal fashion, or to submit the information electronically, and no objections were noted; whereupon, Commissioner Long asked that the examples be provided electronically before the meeting so the members could address them thoughtfully.

RECALL PROVISION FOR ELECTED OFFICERS – REMOVED FROM LIST

Later in the meeting, Ms. Meiller-Cook indicated that Mr. Shulman could not attend today's meeting and read into the record correspondence received from him arguing for the proposal, that stated, in part, that the ability to recall a Constitutional Officer would add a measure of accountability that does not now exist.

Attorney Vose referenced a memorandum he submitted to the Commission dated January 4, 2016, which has been filed and made a part of the record, laying out his preliminary legal analysis of a proposed recall provision relating to County Commissioners and Constitutional Officers.

Recall of County Commissioners

Attorney Vose indicated that the Pinellas County Commissioners are presently subject to recall pursuant to Section 100.361(1) of the Florida Statutes, which was amended in 1990 (Chapter 90-3150, Laws of Florida) and adding the provision to the Charter would not have a differential legal effect, although it would ensure against a future Legislature changing its mind; whereupon, in response to query by Clerk Burke, he explained how the current recall process works: (1) A recall petition is started that sets forth a basis for the recall, (2) the requisite number of signatures is collected, (3) the signatures are submitted to the Supervisor of Elections, (4) the office holder responds and the information is transmitted out, (5) the recall goes to a vote and, (6) if a majority of the electorate votes to recall, the office holder is removed from office; whereupon, he stated that as a practical matter, a recall is exceedingly rare.

Thereupon, in response to query by Mr. Sewell and Clerk Burke, Attorney Vose confirmed that imposing a recall provision in the Pinellas County Charter for County Commissioners would not be necessary, as provisions already exist in the Florida Statutes, but would be permissible.

Recall of Constitutional Officers

Attorney Vose indicated that there is not a provision in the Florida Constitution or the Florida Statutes subjecting Constitutional Officers to recall; and that seven Charter counties provide for the recall of Constitutional Officers, noting that they fall into two general categories: (1) the Offices are abolished as Constitutional Officers and the duties transferred to Charter Officers, pursuant to Article VIII, Section 1(d) of the Florida Constitution, or (2) the Constitutional Officers are subject to recall without being converted to Charter Officers; whereupon, he pointed out that just because some counties have abolished the offices does not mean it is legal; it only means that the provisions have not been challenged. Clerk Burke related that the Governor has the authority to remove a person from office for malfeasance or for illegal acts.

Attorney Vose reviewed the 2012 *Telli v. Broward County* case, indicating that it is the case in which the Florida Supreme Court receded from the opinion it rendered ten years earlier in *Cook v. City of Jacksonville*, which had held that county charters could not impose term limits on county officers, and discussed the relationship to the *Pinellas County v. Eight is Enough in Pinellas* case; whereupon, he indicated that the information in his memorandum is also applicable to the Term Limit discussion to be held later.

In response to queries by Mr. Sewell and Mayor Bradbury, Attorney Vose advised that imposing a recall provision on Constitutional Officers in light of the particular protections in the Pinellas County Charter would be inviting a potentially meritorious lawsuit; and confirmed that the Governor can remove the Constitutional Officers and there is already a Florida Statute to remove County Commissioners.

Thereupon, Representative Ahern moved, seconded by Mr. Harless, that the topic *Recall of Constitutional Officers* be removed from the list.

* * * *

At this time, 5:560 P.M., Mr. Sewell moved, seconded by Mr. Harless and carried unanimously, that the meeting be extended for 30 minutes.

* * * *

SECTION 2.02(E) HUMAN RIGHTS – REMOVED FROM LIST

During discussion, Ms. Bell withdrew her earlier concerns. Ms. Meiller-Cook related that while Mr. Shulman continues to believe the topic should be added to the Charter, he understands it is already covered by State and Federal Laws and respects the argument that putting it in the Charter might jeopardize the County ordinance. Attorney Vose related that his research indicates it would be difficult to encapsulate into the Charter Referendum all the things addressed in the ordinance; and Commissioner Long indicated that the County received extensive public input on the ordinance and worked closely with the Director of Human Rights.

Thereupon, Mr. Sewell moved, seconded by Commissioner Long and carried unanimously, that the topic be removed from the list.

CHANGE ELECTION OF CONSTITUTIONAL OFFICERS TO NON-PARTISAN – REMOVED FROM LIST

Attorney Vose referenced his January 4 memorandum, and indicated that portions of the research outlined in the memorandum apply to this topic. He discussed a current lawsuit in Orange County in which the Constitutional Officers are seeking to invalidate a 014 provision in the Charter that converted them to non-partisan offices and non-partisan elections, and related that he is hesitant to advise the Commission until the ruling comes down.

He stated that the Pinellas County Charter has particular protections for Constitutional Officers,

and advised that, in his opinion, changing them to non-partisan would change their *status* and would be subject to substantial challenge in light of those protections; whereupon, in response to query by Representative Ahern, he suggested that if the CRC decides to make the change, it specify the timing of the elections.

Thereupon, Mr. Pressman moved, seconded by Representative Ahern and carried unanimously, that the topic be removed from the list.

NEW TOPICS FROM CRC MEMBERS

Nonconforming Property

Mr. Steck indicated that the Board of Realtors is proposing that if a building is destroyed by storm or otherwise, whatever was there before would be grandfathered in as an exception to the Code, and Mr. Pressman provided input; whereupon, Chairman Olliver asked that the Board of Realtors complete the public input form and provide documentation.

Human Trafficking (Withdrawn)

Mr. Steck related that the Florida Attorney General is establishing new procedures and requirements for trafficking cases, and suggested that the County put appropriate regulations, fines, or punishments in the Charter. Commissioner Long indicated that the issue is on the current BCC agenda and an ordinance will be on the next one; whereupon, Mr. Steck withdrew the topic.

County Redistricting

Mr. Harless asked that County Redistricting be added as a topic, and Chairman Olliver suggested that it be combined with unincorporated area representation; whereupon, Mr. Burke indicated that he would ask the County Administrator and/or County Attorney and the Supervisor of Elections to give a presentation to the CRC, and Chairman Olliver requested that they also address the representation topic; and Commissioner Long expressed her concerns.

SCHEDULING NEXT TOPICS

Chairman Olliver indicated that topics on the January 20 agenda would include the Dual Vote, PSTA, Security of Rights of Citizens (No. 24), Campaign Restrictions, and the Selection of CRC Members; and that Consolidation and Representation in the Unincorporated Areas/Redistricting would require more discussion and would be on a later agenda.

REVIEW OF ACTION ITEMS

At the Chairman's request, Attorney Vose discussed the Consolidation of Services topic, and stated that it may involve a gargantuan amount of research and should be studied thoroughly; and suggested that a provision be placed in the Charter mandating a Study Commission on Consolidation to dig into the issues. Commissioner Long suggested that the CRC recommend to the BCC that it work with the municipalities to develop ways to provide more effective and cost-efficient services to the citizens; and in response to query by Clerk Burke, Attorney Vose related that the proposed Study Commission on Consolidation could have time limits; and that he would bring a model of the action taken by Orange County to the next meeting; whereupon, Chairman Olliver indicated that the topic would remain on the agenda.

Mr. Steck asked that Attorney Vose supply information about other topics Orange County has considered.

ADJOURNMENT

Upon motion by Mr. Sewell, seconded by Ms. Caron and carried unanimously, the meeting was adjourned at 6:30 P.M.

January 20, 2016

Clearwater, Florida, January 20, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-950, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, at 3:30 P.M. on this date with the following members in attendance:

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

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other interested individuals
Lynn M. Abbott, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)

2. Public Comment on Items on this Agenda (CRC Chairman)

3. Approval of Minutes – January 6, 2016 Meeting (CRC Chairman)

4. Facilitation Team Report and Direction (DM&A)
    a. Process Flow for Moving a Topic Forward
    b. Review of Topics Not Moved Forward

5. Charter Amendment Topics (DM&A)
    a. Consolidation of Services (#12)
    b. Dual Vote (#2) (Vose Law Firm)
    c. PSTA (#20) (Vose Law Firm)
    d. Grievances (#24) (M. Harrison, Guest)
    e. Campaigning Restrictions (#15) (Thomas Steck)
    f. Selection of CRC Members (#4) (DM&A)
    g. Exception to Code on Non-Conforming Properties (#25) (Thomas Steck)
    h. New Topics from CRC Members
    i. Scheduling Next Topics

6. Review of Action Items (CRC Chairman)

7. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

Chairman Olliver called the meeting to order at 3:30 P.M. and welcomed those in attendance, noting that Representative Ahern and Clerk Burke would be joining the meeting telephonically, as they are in Tallahassee on government business; whereupon, he announced that as some members need to leave by 6:00 P.M., a motion to extend the meeting would not be entertained today.

Stating that the CRC is beginning to delve into and take action on substantive issues of general concern and the public must be allowed every reasonable opportunity to be heard, Chairman Olliver outlined the following process to be followed:

1. Presentation of the topic by the facilitator and/or the attorney.

2. Discussion by the CRC.

3. If appropriate, a formal motion and a second on that motion.

4. Discussion on the motion by the CRC.

5. Public comment (one minute for rebuttal or clarification).

6. Final discussion by the CRC and vote.

Mr. Sewell moved, seconded by Mr. Pressman, that the process outlined by the Chairman be approved; whereupon, in response to query by Mr. Sewell, Chairman Olliver confirmed that the public would have an opportunity to speak at the two public hearings to be held before the

referendum language is approved. Upon call for the vote, the motion carried unanimously.

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and expressed their concerns:

H. Patrick Wheeler, Palm Harbor – (1) Forward Progress and (2) Addressing Key Items.

David Ballard Geddis, Jr., Palm Harbor – Property Acquisition Section 2.04 – Working in Conjunction with Reclaimed Water Variance.

Fred Kiehl, Largo – Term Limits.

MINUTES OF THE JANUARY 6, 2016 MEETING – APPROVED AS AMENDED

Chairman Olliver referenced a scrivener's error on page 11, and indicated that the Official Minutes would show that the motion to extend the meeting was made at 5:56 P.M.; whereupon, Mr. Sewell moved, seconded by Mr. Shulman and carried unanimously, that the minutes of the January 6 meeting be approved as amended.

FACILITATION TEAM REPORT AND DIRECTION

PROCESS FLOW FOR MOVING A TOPIC FORWARD

Ms. Meiller-Cook indicated that the process flow chart has been modified as agreed to at the last meeting.

REVIEW OF TOPICS NOT MOVED FORWARD

Ms. Meiller-Cook reviewed the topics the CRC has decided not to move forward; whereupon, Chairman Olliver related that at the last meeting, the Commission determined that some of the items on the list, while not appropriate to put in the Charter, were good ideas and would be sent under the signature of the Chairman of the CRC to the County Administrator and the Chairman of the Board of County Commissioners (BCC) as recommendations from this body to be explored and potentially implemented.

CHARTER AMENDMENT TOPICS

Ms. Meiller-Cook reviewed today's agenda and the topics that remain on the table for discussion.

Commissioner Long expressed concern that the CRC might need to request additional time and funding from the BCC in order to meet its mission, opining that it would be hard pressed to meet the July and other deadlines. She indicated that the BCC is just beginning its budget process, and requested that Attorney Vose and DM&A provide a financial report at the second meeting in February for her to take back to the Board. Chairman Olliver expressed confidence that the deadline would be met and, at his request, Ms. Meiller-Cook agreed to provide the financial report.

CONSOLIDATION OF SERVICES (#12) – REMOVED FROM LIST AND ADDED TO RECOMMENDATION LETTER

Attorney Vose referenced his memorandum dated January 18, 2016 titled *Overview of Materials Concerning Orange County/City of Orlando Consolidation of Services Study Commission* and discussed the Consolidation of Services Study Commission resulting from the 2004 Orange County CRC. He related that the Charter amendment authorizing it was overwhelmingly passed by the voters of Orange County; that the Study Commission spent a great deal of time and money to look at all the main services; that an extensive and expensive report was prepared, with many findings and recommendations; that the report was handed over to Orange County and the City of Orlando; and that the perception of people involved is that both agencies just shelved the report. He indicated that both the 2008 and the 2012 CRCs followed up on the report and determined that the Charter amendment should have called for feedback and enforceability and/or implementation mechanisms.

Attorney Vose related that he had tried to find a legal way for the CRC to affect the Special Districts created by a Special Act of the Legislature, and that his research shows that almost every independent fire district created in Pinellas County has been created by a Special Act subject to a vote of the electors; and that, in his opinion, the County Charter alone cannot rule over the independent fire districts and certainly not the cities in Pinellas County. He discussed the Florida Constitution's dual vote requirement for a transfer of services and the Pinellas County dual vote requirements for transfer of services and regulatory powers; whereupon, he advised that if it is decided to move the topic forward via a Study Commission, the CRC (1) direct it to focus on particular services and (2) give it the power to recommend a proposed Special Act to the Legislature.

Discussion ensued regarding the state and county dual vote requirements, and in response to query by Mr. Steck, Attorney Vose stated that in Pinellas County, both transfer of services and regulatory powers are subject to the dual vote, and the most likely and expedient way to accomplish what the CRC seems to be suggesting would be for the Florida Legislature to adopt a Special Act that would eliminate all the fire districts and then, again by Special Act, to mandate

that all the powers be consolidated in one place; whereupon, in response to comments by the members, he pointed out that he is the legal consultant to the CRC, not the political consultant.

Ms. Caron queried as to how and why consolidation of services came to be added as a topic for the CRC to consider, and during discussion and at the request of the Chairman, Commissioner Long related that the County has made a concerted effort, which seems to be working, to partner with the municipalities and fire services to move forward with a strategic plan to prevent an annual increase in taxes. Mayor Bradbury concurred, and citing police protection as an example, stated that it should be left to the individual cities to decide what they need. Mr. Steck indicated that perhaps consolidation was placed on the list as a result of his suggestion that the County provide a mechanism showing what it costs for the 24 cities to provide services to the citizens compared with what it would cost for the County to provide them, and to let the citizens of each city decide whether they wished to continue as a city (see document titled *City vs. County Services*, which has been filed and made a part of the record); whereupon, Mr. Pressman related that he would prefer a voluntary transfer of services rather than a forced one such as proposed in Orange County.

In summary, Chairman Olliver indicated that the members seem to be saying that the topic of consolidation continues to come up, and people are not as well informed as they might be on the progress being made. He related that at the last meeting, the possibility arose of including the topic in the letter from him to the BCC Chairman and the County Administrator, telling them that the CRC would like to foster any activity that would enhance that progress, including the provision of data on which the cities and the County could base their decisions in order to obtain the maximum efficiency and effectiveness. Hearing no objection, the Chairman asked for a motion to that effect.

Thereupon, citing ongoing government collaboration, Commissioner Long moved, seconded by Ms. Bell, that the item be taken off the agenda and moved to the list being compiled by the facilitator, asking that the County, cities, fire departments, and law enforcement continue to look at the issue.

No one appeared in response to the Chairman's call for citizens wishing to be heard. Upon call for the vote, the motion carried unanimously.

<u>DUAL VOTE (#2) – REMOVED FROM LIST</u>

Attorney Vose related that the Commission had initially asked that the County Attorney's Office speak to the issue; and that he had spoken with the attorneys and they had requested that he present the information in light of their need to comply with the settlement agreement in the 2006 dual vote lawsuit. He presented historical information about the dual vote requirement, and

indicated that it was first introduced in 1999 by the Legislature because, at that time, almost any amendment to the Pinellas Charter had to be done by Special Act. He related that the 2008 Pinellas CRC asked the Legislature to allow the Charter to be amended locally without Special Act intervention, and in response to the request, the Legislature made two primary modifications: (1) the protection for the Constitutional Officers and (2) the dual vote requirement would encompass both transfers of services and transfers of regulatory powers between the cities and the County.

Attorney Vose related that during his research and in talks with the County Attorney's Office, he discovered a few instances in which the dual vote requirement was a consideration in ballot proposals, including the 2006 Charter proposal to repeal the dual vote, noting that in the resulting litigation, the cities challenging the dual vote referendum alleged that any repeal of the dual vote requirement would be subject to the dual vote requirement.

Clerk Burke stated that after talking with County Attorney James L. Bennett and Chief Assistant County Attorney Jewel White, he considers it a non-issue that is too complex to place on the ballot; whereupon, he moved, seconded by Representative Ahern, that the topic not be considered further.

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

Upon call for the vote, the motion carried unanimously.

PSTA (#20) – REMOVED FROM LIST

Noting that he had pulled every Special Act since the creation of what is now known as the Pinellas Suncoast Transit Authority (PSTA) by Special Act in 1970, Attorney Vose provided historical background information and indicated that since its inception by five cities and Pinellas County, participation by adjoining municipalities has been voluntary by a two-step mechanism: vote of the governing body and then vote of the electors; that some cities are not participants in PSTA, but have entered into an Interlocal Agreement and pay a certain sum, thereby not subjecting their voters to a tax; and that a small number of cities have opted not to participate in any way.

Attorney Vose further advised that as the PSTA was created by Special Act that was subject to a vote of the electors, there is no legal argument for the Charter to rule over or to have any interaction or interference with the PSTA as it is currently constituted.

Thereupon, Clerk Burke moved, seconded by Mr. Sewell, that the topic be removed from consideration since the CRC has no jurisdiction.

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

Upon call for the vote, the motion carried unanimously.

GRIEVANCES (#24) - DEFERRED

Chairman Olliver confirmed that the members received the email from Marcus Harrison, the citizen who requested that the item be placed on the list of topics, and related that Mr. Harrison could not be here today, but could present his proposal at the next meeting. In response to the concerns of Commissioner Long regarding a formal grievance procedure that could result in the County paying all legal fees, should there be litigation, and the possibility of numerous suits, Attorney Vose indicated that he would not be able to say that the proposal is illegal until he learns more about what is being proposed.

Thereupon, Mr. Steck moved, seconded by Mayor Bradbury, that the topic be deferred to the next meeting.

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

Upon call for the vote, the motion carried by a vote of 12 to 1, with Commissioner Long dissenting.

Clerk Burke asked that the record reflect the no vote; whereupon, Chairman Olliver outlined the procedure to be followed when the item is heard, and Attorney Vose indicated that he would review the request and be prepared to provide a more fully-formed opinion as to whether it would be legally permissible after he hears the oral presentation.

CAMPAIGNING RESTRICTIONS (#15) – WITHDRAWN FROM LIST; TO BE CONSIDERED FOR INCLUSION IN RECOMMENDATION LETTER

Mr. Steck indicated that after learning that elections in France take only two months, he is of the opinion that there would be more voter participation if elections here were shortened. He proposed that the procedure be split into two parts: the preparatory part where organization is defined, plans are made, signs are ordered, staff is recruited, and money is requested from the larger donors; and then the actual campaign. He indicated that his proposal also contains a policy for the management of excessive campaign funds, and recognized that the restrictions would apply only to municipal and County officers, noting that restricting the Constitutional Officers might be problematic.

Chairman Olliver confirmed that the members had received the white paper submitted by Mr.

Steck. Attorney Vose referenced the language *No candidate …may publish or post…,* and advised that the proposal would be unconstitutional. He discussed a recent U.S. Supreme Court ruling regarding sign restrictions based on content; and Mr. Steck discussed time-limited election signs, and stated for the record that taking down signs by a specific date after an election is an accepted practice, and his proposal would only be putting an initial timeframe at the start of the election; whereupon, Clerk Burke suggested that enforcement would be difficult.

* * * *

At this time, 5:00 P.M., Commissioner Long and Mr. Pressman left the meeting.

* * * *

Chairman Olliver thanked Mr. Steck for his thoughtful paper and the clarifying language; whereupon, expressing reluctance, Mr. Steck withdrew the proposal. In response to query by the Chairman, Mr. Sewell, Mayor Bradbury, and Ms. Caron expressed support for adding a recommendation to the letter to the BCC calling for consistency in campaigns throughout the county; and Ms. Bell expressed concern that it might hamper new candidates in their attempt to gain name recognition.

In response to the Chairman's call for citizens wishing to be heard, one person appeared and expressed concern.

Thereupon, Chairman Olliver directed that Ms. Meiller-Cook prepare consensus language that would reflect the concerns about campaigning but would not restrict new candidates or others in a discriminatory way.

SELECTION OF CRC MEMBERS (#4)

Noting that the topic was brought forward by members of the public who questioned how and why the current process was put in place, Ms. Meiller-Cook reviewed a spreadsheet titled *Comparison of Counties on CRC Selection Process*, and pointed out that 16 of the 20 Charter counties in Florida have a provision in the Charter for the selection of members.

Mr. Steck commented that there appears to be two issues: the membership and how and who appoints the members; and with input by Attorney Vose, observed that except for Sarasota County, all CRC members are appointed by a Board of County Commissioners; whereupon, in response to query by the Chairman, Attorney Vose confirmed that the issue would qualify as a Charter topic since the current language is in the Charter; and that whether to propose any changes to the process would be a policy decision by the CRC.

In response to query by Ms. Caron as to why the makeup of the membership in the Pinellas Charter is so different, Attorney Vose indicated that the history of the Pinellas Charter has been to provide protection and representation for the County Commission, the Constitutional Officers, and the cities, and this seems consistent with other policies expressed in the Charter.

During discussion, Mr. Harless indicated that he likes the make-up of the current CRC, as it is diverse, has a super majority of citizens, and the representatives from the County and the local governments have provided much-needed insight. Representative Ahern commented that he finds it fascinating that some county CRCs have no elected officials whatsoever; and Clerk Burke related that he finds it interesting that the process varies widely throughout the state, and some counties allow the Constitutional Officers to appoint members. Noting that she was appointed by the Mayors Council, Mayor Bradbury pointed out that some counties do not have any County Commissioners or Constitutional Officers represented, but do have elected officials; and opined that if the membership is tweaked, it should continue to have elected officials and a preponderance of citizens with various backgrounds; whereupon, Clerk Burke noted that the nine BCC citizen appointments cannot be elected officials; and that the appointment from the Mayors Council does not necessarily have to be a mayor, but could be a city councilmember; and Attorney Vose indicated that, technically, the BCC appoints all members of the CRC, noting that there is a cap of exactly four members who can and must be elected officials.

Upon the Chairman's call for a motion, Mr. Shulman moved, seconded by Mr. Sewell, that the topic be separated into two issues: (1) who appoints the members of the Charter Review Commission and (2) the makeup of the members.

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

Upon call for the vote, the motion carried unanimously.

Composition of Membership – Current Composition Retained

Mr. Shulman moved, seconded by Mr. Steck, that the current composition of nine citizen members and four elected officials be maintained.

Ms. Caron expressed her concerns, stating that the topic warrants further consideration; and after conferring with the Chairman, moved that the matter be tabled to a later date, seconded by Mr. Steck. Attorney Vose indicated that the motion to table is the debatable motion, and Chairman Olliver called for discussion. In response to query by Clerk Burke, Ms. Caron, noting the concerns of the citizens and pointing out that there must be a reason why other counties exclude County Commissioners, indicated that she would like information relating to whether a conflict of interest and/or other issues exist. Attorney Vose stated that it would be difficult to find documentary evidence showing why counties do it differently; and that he frequently works with Charter Review materials and is not familiar with any strong policy considerations; whereupon, Ms. Meiller-Cook provided input regarding the time and financial resources involved in the research.

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

Thereupon, Ms. Caron withdrew her motion to table the item and the seconder concurred.

Chairman Olliver indicated that the original motion to retain the current membership is on the floor and called for discussion. Mr. Harless indicated that he supports the motion, noting that the citizens outnumber and could out vote the elected officials.

H. Patrick Wheeler, Palm Harbor, appeared in response to the Chairman's call for citizens wishing to be heard, and indicated that he supports the composition of the Commission, but is concerned with the method used to select the citizen appointees.

Noting that the topic was not advertised for discussion, Chairman Olliver discussed the rules of order. Upon call for the vote, the motion to maintain the current composition of the CRC carried by a vote of 10 to 1, with Ms. Caron dissenting.

Appointment of Members – Deferred

Mr. Steck moved, seconded by Ms. Caron, to continue with the selection process whereby the BCC makes the appointments, and discussion ensued. Mr. Shulman suggested that the CRC members be chosen from specific districts so the representation would be countywide. Mayor Bradbury concurred, noting that previous CRCs have had more citizens from the northern end of the county versus the southern end, and citizens should be selected from throughout the county,

and discussion ensued.

Cautioning against a rush to judgment due to time constraints, Chairman Olliver indicated that there appears to be consensus for a friendly amendment that would table the item until a representational aspect could be added to the current selection process. Following discussion, he stated that there appears to be an appetite to move forward with the motion, with a friendly amendment that would allow the members to revisit the item to add specifics with regard to the representational aspect; whereupon, in response to the suggestion of Ms. Meiller-Cook that the representational aspect could be included in the recommendation letter to the BCC, Mr. Sewell disagreed, and stated that the CRC needs to ensure that there is a representative from each of the seven districts.

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

Upon call for the vote, the motion carried 10 to 1, with Mr. Shulman dissenting.

EXCEPTION TO CODE ON NON-CONFORMING PROPERTIES - (#25) - DEFERRED

Mr. Steck indicated that the proposal is not ready to be presented and asked that it be deferred to the next meeting, and no objections were noted.

NEW TOPICS FROM CRC MEMBERS

Moving the County Seat to a More Central Location

Mayor Bradbury related that two citizens have contacted her asking that the CRC consider moving the County Seat from North County to a more central location, such as Largo, Pinellas Park, Seminole, or the Carillon area. Following an on-line search, Attorney Vose indicated that moving the County Seat would be governed by Florida Statutes, and that he would do further research to see how it could be accomplished; whereupon, Chairman Olliver indicated that the topic would be added to the list, and no objections were noted.

SCHEDULING NEXT TOPICS

Chairman Olliver indicated that the following topics would appear on the next agenda: (1) grievances, (2) non-conforming properties, (3) appointment of members to the CRC, and (4) moving the County Seat to a more central location.

REVIEW OF ACTION ITEMS

Chairman Olliver reviewed the actions taken today.

ADJOURNMENT

Upon motion by Mr. Harless, seconded by Mr. Sewell and carried unanimously, the meeting was adjourned at 5:58 P.M.

February 3, 2016

Clearwater, Florida, February 3, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, at 3:31 P.M. on this date with the following members in attendance:

James Olliver, Chairman
Thomas Steck, Vice-Chairman
Sandra L. Bradbury, City of Pinellas Park Mayor
Ken Burke, Clerk of the Circuit Court and Comptroller
Johnny Bardine
Keisha Bell
Ashley Caron
Barclay Harless
Todd Pressman
James Sewell
Joshua Shulman

Absent
Larry Ahern, State Representative
Janet C. Long, County Commissioner

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Other interested individuals
Laura M. Todd, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)
2. Public Comment on Items on this Agenda (CRC Chairman)
3. Approval of Minutes – January 20, 2016 Meeting (CRC Chairman)
4. Legal Counsel Report (Vose Law Firm)

5. Facilitation Team Report and Direction (DM&A)
    a. Schedule and Budget/Spend Status
    b. Format for Term Limit Meeting, 2/17
    c. Recommendations List

6. Charter Amendment Topics
    a. Move County Seat (#26) (Vose Law Firm)
    b. Grievances (#24) (M. Harrison, Guest)
    c. Exception to Code on Non-Conforming Properties (#25) (Thomas Steck)
    d. Selection of CRC Members (#4) (DM&A)
    e. New Topics from CRC Members
    f. Scheduling Next Topics

7. Review of Action Items (CRC Chairman)

8. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

Chairman Olliver called the meeting to order at 3:31 P.M. and welcomed those in attendance; whereupon, he announced that the Commission will take up the topic *Municipal Partisan Elections,* submitted by a member of the public, under Agenda Item 6-e.

PUBLIC COMMENT

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and expressed their concerns:

David Ballard Geddis, Jr., Palm Harbor – Reclaimed Water "Variance" Violates Home Rule Charter

Chairman Olliver requested that Mr. Geddis submit a Public Input Form so the topic can be added to the discussion list; and asked that Attorney Vose take the matter under advisement and provide a way to further the reclaimed water discussion in relation to the Charter.

H. Patrick Wheeler, Palm Harbor – (1) Forward Progress and (2) Addressing Key Items

Clerk Burke reported that his office is developing an input form for items on the Board of County Commission (BCC) agendas that will allow citizens to submit their comments and concerns electronically; and that the comments will become part of the public record and be sent to each of the Commissioners and the County Administration; whereupon, he explained how the process will work, noting that it is hoped the BCC website will provide a link to the public comment form.

MINUTES OF JANUARY 20, 2016 MEETING – APPROVED

Upon presentation by Chairman Olliver, Mr. Steck moved, seconded by Mr. Sewell and carried unanimously, that the minutes of the meeting of January 20 be approved.

LEGAL COUNSEL REPORT

Attorney Vose provided a financial report as requested by Commissioner Long at the last meeting, and reported that a total budget of $50,000 was allocated by the County for legal services; that, to date, his firm has billed 111 hours for a total amount of $16,650; and that he does not anticipate using the entire $50,000.

FACILITATION TEAM REPORT AND DIRECTION

SCHEDULE AND BUDGET/SPEND STATUS

Ms. Meiller-Cook presented a document titled *Diane Meiller & Associates Budget/Spend Analysis*, a copy of which has been filed and made a part of the record, and reviewed each line item. She indicated that the firm's original proposal to the County was $46,975; that $35,360 has been billed; and that $11,615 is still available. She related that Pinellas County allocates a specific amount intended to fund both the legal counsel and the facilitator, and it might be possible to combine the two budgets. Mr. Sewell pointed out a discrepancy in the Research and Scheduling line item, and following discussion, Ms. Meiller-Cook agreed that an adjustment is in order; whereupon, in response to the concerns of Mr. Pressman, Ms. Meiller-Cook indicated that she would be open to ideas to streamline documentation.

Stating that Ms. Hardwick has confirmed that the legal and facilitator budgets could be combined, Chairman Olliver commented that while the Commission will remain budget conscious, he would not want there to be a public perception that discussion or documentation is being curtailed because of budget concerns.

FORMAT FOR TERM LIMIT MEETING, 2/17

Ms. Meiller-Cook requested that everyone participate in the term limit discussion scheduled for the February 17 meeting, and proposed that each member be given three to five minutes to voice their thoughts, and no objections were noted.

Attorney Vose indicated that he would provide an overview of the subject and explain the legal

options available. He cautioned that the public would be requesting "retrospective" or "retroactive" term limits; and that while he would share his legal thoughts, very little case law exists, and what there is differs substantially.

Mayor Bradbury asked that statistics be provided showing the number of counties in the Southeast that have term limits, particularly in Florida. Noting that the members have already received excellent and very detailed information, Mr. Pressman asked that Attorney Vose present only a general overview of the subject. Mr. Steck requested that for the different situations, such as the prior referendum vote or term limits for County Commissioners or Constitutional Officers, Attorney Vose advise whether the CRC is legally limited or whether the law is flexible.

Attorney Vose asked for direction regarding the amount of time the members would like him to spend on the prior vote issue, pointing out that he has already advised that, in his opinion, the CRC cannot revive the prior term limits. Ms. Bell indicated that she felt a presentation would be beneficial. Clerk Burke referenced a timeline summary he had requested from the County Attorney's Office and indicated that it is a fairly basic, factual pattern of what happened on the issue and outlines the litigation that has occurred; whereupon, Ms. Meiller-Cook agreed to provide the term limits litigation summary to all the members.

Clerk Burke opined that the term limit issue has moved away from the legal arena and has become a public policy decision, pointing out that the most recent Supreme Court decision in which the Court receded from a previous opinion provides clear guidance that the CRC can act, if it so desires. He provided historical information, noting that when the term limits issue was placed on the ballot here, it was due to a citizen petition; whereupon, he recommended that the members base their decisions, as the Founding Fathers did, on whether having term limits is the best thing for good government and is the right thing to do.

RECOMMENDATIONS LIST

Ms. Meiller-Cook reviewed the two recommendations the CRC has approved: Campaign Signage and Electronic Comment Cards; whereupon, Mr. Sewell suggested that the CRC recommend that the BCC provide an interface between the BCC website and the Clerk's website to facilitate public awareness of the comment card option.

Chairman Olliver related that he and the facilitator are preparing a list of suggestions brought forth by either the public or the members that do not rise to the level of a Charter amendment but are good ideas that should not be lost; that it will be a running list and will be sent to the members in advance of each meeting; that during the course of the meetings, the items will be modified and new ones added; and that everyone is encouraged to provide input.

CHARTER AMENDMENT TOPICS

MOVE COUNTY SEAT (#26) - REMOVED FROM LIST

Attorney Vose advised that the Florida Constitution has a provision that says County Seats can only be moved pursuant to General Law; that Pinellas County was created in 1911 by a Special Act that named the Town of Clearwater as the County Seat; and that apparently people were looking to move it almost immediately, as the provision in the Florida Constitution and the General Law were immediately challenged, and the case was heard in 1912. He indicated that there is a section of the Florida Statutes, Chapter 138, dating from the turn of the last Century, providing direction on how to move the County Seat, which is, basically: (1) a petition drive is initiated, (2) the petition must be approved by one third of the voters in the county, and (3) after the petition is approved, an election is held to decide where the County Seat will be located.

Clerk Burke moved, seconded by Mr. Sewell and carried unanimously, that the item be removed from the list of topics.

Chairman Olliver noted that the vote had been taken before the citizens had a chance to comment; and that he would ask for another vote after they had been heard.

Upon the Chairman's call for citizens wishing to be heard, Mr. Geddis appeared and expressed his concern; whereupon, in response to his query, Attorney Vose advised that the only other way to move the County Seat would be to amend the Florida Constitution.

Upon call for the vote, the motion carried unanimously.

GRIEVANCES (#24) – REMOVED FROM LIST

Marcus Harrison, Palm Harbor (unincorporated area), referred to his memorandum to the CRC dated January 8, 2016, a copy of which has been filed and made a part of the record, and proposed that an amendment be added to the topics list that would hold elected officials accountable, approve a grievance process for citizens wishing to bring a justifiable lawsuit against the County, and mandate that the County pay all legal fees if a case is filed; whereupon, he requested that the members not try to justify previous actions or cases, but determine if there is any room for improvement and how that could best be accomplished.

Mr. Harrison indicated that the process should include a vetting of the matter by a judge or other disinterested party to determine the merit of the lawsuit and whether the County has properly responded or responded in a way that meets the needs of the citizens. He cited several instances where such a grievance process would have given the citizenry a proper voice, including:

1. The term limits issue, stating that a ballot initiative approved overwhelmingly by the citizens was challenged by the term-limited elected officials, using the citizens' tax money against them, and a private citizen spent over $70,000 of his own money challenging the decision. He argued that a private citizen should not have to pay attorney fees to fight for the rights of the voters; and that a procedure should be in place allowing public funds to be used for such a purpose.

2. The renegotiation of the Interlocal Agreement between the County and the Public Library Cooperative, stating that negotiations started in the sunshine but quickly moved into the shadows, denying citizens the opportunity to comment and resulting in the County Administrator appointing members to the Cooperative Board, which is prohibited by the County Charter.

3. The stormwater fee for the unincorporated area.

In response to a request by Attorney Vose that he outline the basics of the proposed Charter amendment, Mr. Harrison summarized his proposal, stating that when a grievance is found through a formal procedure to have merit, and is ultimately not resolved and litigation occurs, the County would be responsible for all attorney fees.

Pointing out that he supports the intent of the proposed amendment, which is to make government more responsive to the people, and understands the frustration of the citizens, Clerk Burke stated that as the financial steward of Pinellas County, he recognizes the need to protect taxpayers from frivolous lawsuits, and is concerned the proposal could be exploited by unscrupulous attorneys. He discussed the open records law, indicating that certain attorneys throughout the state are purposely baiting government employees to violate the law with the sole intent of collecting statutory fees. He suggested that the State Attorney's Office, which is funded by the taxpayers, might be the proper venue if the citizens think the Sunshine Law was violated in the Library Cooperative matter; whereupon, Attorney Vose confirmed that the primary mechanism of enforcement of the Sunshine Law is through the criminal justice system, even though it has civil components.

During discussion, Mr. Steck suggested that the County could use an ombudsman, as Scandinavian countries do, or perhaps a review committee, to look into an issue and try to solve the problem for the citizens without their having to take the matter to court.

Clerk Burke related that his office performs some of the same duties that an ombudsman would, and discussed checks and balances that already exist in County government, noting that as the Comptroller and Internal Auditor, a major component of his responsibility is to determine that every dollar spent by the County meets the "public purpose" test; whereupon, pointing out that an ombudsman reports to no one, he raised the question of to whom a review committee would

report, suggesting that reporting to the County Administrator would defeat the purpose and reporting to the BCC could prove awkward in some instances.

Mr. Pressman agreed that the proposed Charter amendment is well intentioned, but stated that it could create mayhem in the County, as every issue could potentially be challenged.

Stating that a motion is in order if there is no further discussion, Chairman Olliver outlined three options for the Commission to consider:

1. Move forward with potential language for a Charter amendment.

2. Move the issue to the white paper, with language related to the checks and balances of government, perhaps not as strong as calling for an ombudsman.

3. Remove the item from further consideration.

Thereupon, Mr. Pressman moved, seconded by Mr. Harless, that the Commission not move forward with the issue and the topic be removed from the list.

In response to the Chairman's call for further discussion, Ms. Caron indicated that she would like the CRC to provide citizens with some type of resource to get further information or advise them of the next steps to take to find a solution. In response to the Chairman's request that he address Ms. Caron's proposal, Clerk Burke discussed the fraud abuse hotline, and indicated that if a complaint comes in involving fraud within the County, it is investigated, but the stormwater fee is a policy issue and his office does not analyze such matters, as the County Commissioners are elected to set policy; whereupon, Mr. Pressman commented that he would prefer to bring a grievance to a Board of seven people elected by the citizens than to an administrative ombudsman.

In response to query by Mr. Sewell, Attorney Vose indicated that it would concern him to address fees in the Charter, as it would build in a partial waiver of sovereign immunity, which could have constitutional issues.

Mr. Steck commented that the proposed Charter amendment has pluses and minuses, in that it would be subject to abuse that could clog the system, yet would provide a needed mechanism for citizens to deal with their concerns.

In response to the Chairman's call for citizens wishing to be heard, Freddy Faro appeared and expressed support for Mr. Steck's suggestion to create a review board.

Mr. Harrison appeared and expressed appreciation for the change in policy that provides him an opportunity for rebuttal. He stated that when egregious situations arise, such as the term limits

issue where the Constitutional Officers challenged a referendum that the voters had approved, there should be a process to allow the citizens an equal opportunity to challenge without having to pay out of pocket. He observed that, like the CRC members, he does not want his tax money being used to fund a process that would allow frivolous lawsuits or cost County Government an exorbitant amount of money, but does want a more friendly government.

Mr. Geddis appeared and expressed concern about the meaning and use of the word "citizen" in the proposal; whereupon, Mr. Harrison indicated that he intended the amendment to be all inclusive, and Chairman Olliver agreed that language is important.

Upon call for the vote, the motion carried 10 to 1, with Mr. Steck dissenting.

In response to query by the Chairman, Mr. Steck related that, notwithstanding Clerk Burke's efforts and since other departments might not be as responsive, he would prefer to have a mechanism in place to assist citizens with verified grievances; but that he accepts the decision of the Commission.

EXCEPTION TO CODE ON NON-CONFORMING PROPERTIES (#25) - DEFERRED

Mr. Steck indicated that a citizen who is a Realtor requested that he present a proposed Charter amendment regarding non-conforming properties. He referred to a chart from a 2012 County report, and indicated that it shows that out of thousands of pieces of property in the unincorporated areas of Pinellas County, only 360 do not meet the current Code; and that the proposed amendment would provide for a mechanism to allow grandfathered properties with structures that are destroyed to have the structures rebuilt as they stood; whereupon, he observed that the study only dealt with properties in the unincorporated areas of the county and he is unaware whether an amendment would affect the cities and trigger the dual vote requirement.

Mayor Bradbury confirmed that the proposed amendment would affect the cities, and citing an example in the City of Pinellas Park, explained how the City handles such properties.

In response to a request by Clerk Burke that he share his expertise, Mr. Pressman indicated that the non-conforming element would affect each city as well as the County; that each jurisdiction handles the problem differently; that not only are there non-conforming structures, there are non-conforming pieces of land and non-conforming uses; that typically a non-conforming property is unsafe, either structurally, electrically, or in terms of the flood plain level; that in most cases, the owner is aware of the non-conformance issue when he buys the property; and that a percentage-of-destruction element might be used for structures, but even that would be difficult; whereupon, he advised that it would be very difficult to address all the issues in a blanket Charter element.

In response to queries by the members, Attorney Vose indicated that this would be a local issue

and not regulated by the state; and that a number of County Charters address Comprehensive Plan issues, usually to curb unwanted growth, but he is not aware of any that delve into particulars such as the Zoning Code and non-conforming properties.

Chairman Olliver indicated that a motion is in order; whereupon, Mr. Pressman suggested that the item be deferred and the citizen who offered the idea be asked to address the Commission, and Ms. Meiller-Cook suggested that the Public Input Form be used.

Thereupon, Chairman Olliver directed that the item be deferred to a future meeting, and no objections were noted.

SELECTION OF CRC MEMBERS (#4) SELECTION PROCESS USED BY THE BCC MOVED FORWARD

Chairman Olliver summarized the discussion and action taken at the last meeting, indicating that the topic had been divided into two parts:

1. The makeup of the Charter Review Commission
   The CRC agreed that the makeup of the CRC would remain nine citizens and four elected officials, and that no recommendation would be made.

2. The selection of the CRC members by the BCC
   The CRC agreed that the members should be named by the BCC, but Mr. Shulman and Dr. Sewell led a discussion about having a greater, broader representation of the nominees, and the CRC agreed to revisit the item to determine how to craft a recommendation that would include broader representation.

The members confirmed the Chairman's summary of what was decided at the previous meeting; whereupon, he opened discussion on the selection of the members.

Mr. Shulman indicated that the members had discussed, where applicable, asking the County Commissioners to select the representatives to the CRC from the geographic districts that already exist so there would be equal representation around the county, realizing that a problem would exist if no one in a district would agree to serve on the CRC, and Mr. Sewell concurred. Chairman Olliver clarified that the suggestion is that the Commissioners choose someone from the district from which they are elected, and the at-large nominees could be from any area, and in response to his query, Attorney Vose advised that the recommendation would be legally sound.

Mr. Shulman moved, seconded by Mr. Sewell, that the Charter be amended to require selection of members of the CRC to be representative of the entire county, specifically the individual districts that the Commissioners represent.

During discussion and in response to the concerns of Clerk Burke, Mr. Shulman clarified that the BCC would continue to vote on the nominations as a body, as he would be reluctant to remove their veto power; and that the language would be that the BCC members would nominate someone from their district, including the two at-large members, subject to approval by the entire BCC. Attorney Vose pointed out that the CRC would be building the nomination process officially into the Charter, which is permissible; and discussion ensued regarding the makeup of this and previous CRCs. Mr. Shulman indicated that while it is appreciated that the current County Commission appointed a diverse CRC, requiring future County Commissions to do the same would be an added protection going forward.

In response to the Chairman's call for citizens wishing to be heard, the following individuals appeared and expressed their concerns:

Barbara Haselden, St. Petersburg
Opined that the CRC has become another arm of the County Commission when it should serve as a check on its power, and proposed drawing names of people who have expressed interest in serving; whereupon, in response to queries by Mr. Pressman and Mayor Bradbury, she clarified that she does favor using geographic lines, but would prefer that the BCC not make the selection.

Marcus Harrison, Palm Harbor
Agreed with Ms. Haselden that selection should be by lottery, and suggested that the two at-large members be chosen to represent certain groups, such as veterans or the handicapped, again by lottery.

David Ballard Geddis, Jr., Palm Harbor
Opined that people representing their fiscal interest rather than public interest has affected the development of the county.

Upon the Chairman's call for further discussion and in response to query by Ms. Bell, Mr. Pressman clarified that the motion is based on geographic boundaries so the members would be appointed by district. Mr. Shulman indicated that the motion is to advance the question to Attorney Vose to draft language requiring the seven members to be chosen from the County Commissioners' geographic districts, as well as the two separate at-large selections.

Upon call for the vote, the motion carried by a vote of 9 to 2, with Messrs. Harless and Bardine dissenting.

Mr. Steck suggested that the term "nominate" be used in the referendum language, and the Chairman indicated that the suggestion would be accepted as a friendly post-amendment, and no objections were noted.

NEW TOPICS FROM CRC MEMBERS

Change Elections of All Municipal Officers, City Councils, City Commissioners, and Mayors to Partisan Elections on a Countywide Basis – Removed from Consideration

Ms. Meiller-Cook presented the topic. In response to queries by the Chairman and the members, Attorney Vose advised that legally the County Charter could bring about some changes, but it is ultimately a policy decision, and the members must decide whether they want to become involved in municipal elections; and that the proposed amendment would trigger the dual vote requirement, as well as a number of provisions under the Florida Election Law, and discussion ensued.

Mr. Sewell moved, seconded by Mr. Shulman, that the topic be removed from consideration.

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

Upon call for the vote, the motion carried unanimously.

Charter Amendment re Client Relationship between the County Attorney and the Constitutional Officers (Clerk Burke) - Added as Topic for Discussion

Clerk Burke stated that the Charter specifies that the County Attorney represents not only the Board of County Commissioners, but the Constitutional Officers; that the Constitutional Officers have no say in the selection, review, or termination of the County Attorney; that a conflict of interest clause is built into the present Charter and could be accommodated; and that he would like the issue to be included as a topic for discussion and for the CRC attorney to advise as to the legalities involved; whereupon, he moved, seconded by Mr. Sewell, that the client relationship between the County Attorney and the Constitutional Officers be added to the list of topics for consideration, and discussion ensued.

Attorney Vose advised that the proposal would be within the realm of what could be specified in the Charter, and cautioned that the process would need to conform to the Sunshine Law.

Noting a consensus to include the proposal as a topic for discussion, Chairman Olliver requested that Clerk Burke set forth the specifics of the proposal and bring the topic forward at the first meeting in March, and no objections were noted.

Charter Amendment to Require Public Input from Citizens, Respondents, and Applicants re Procurements Above a Certain Monetary Level (Pressman) – Added as Topic for Discussion

Mr. Pressman stated that procurements amounting to millions or hundreds of millions of dollars are made by the County Commission without receiving public input from the citizens, respondents, or applicants; and proposed that an amendment be added to the Charter regarding procurements above a certain monetary level.

Attorney Vose confirmed with Mr. Pressman that his intent is to require an opportunity for public comment in any of the processes where such procurements are being discussed, evaluated, or heard; and indicated that under the Sunshine Law, there is a current exemption allowing cities and counties to have closed meetings with individual bid applicants for large bids if certain criteria are met, noting that some governments elect not to do so and do not allow lobbying of individual commissioners because it appears untoward. Clerk Burke indicated that once a bid is formerly advertised in Pinellas County, a "quiet period" begins and input by the public or applicants is closed until the item comes before the Commission.

Pointing out that the County Commission representative is not present, Chairman Olliver stated that Mr. Pressman has moved, seconded by Mayor Bradbury, that a Charter amendment regarding procurement be added to the list of topics to be discussed; and that he thinks more research and a better determination of what is being proposed is needed. Ms. Caron suggested that the process for procurement might more properly be moved to the white paper; whereupon, Mr. Pressman stated that his proposal to regulate procurement concerns matters of tremendous impact, of taxpayer funds and monies, and County policies; and that the issue is whether or not there will be adequate public comment.

During discussion, Clerk Burke suggested that the attorney for the Purchasing Department be asked to provide input, noting that it is his understanding that only during the "Cone of Silence" can the Commissioners not be contacted; and that once the item comes to the Board for an actual vote, public input is allowed. Mr. Pressman stated that in the current process, the public and the Commissioners are not hearing both sides. Ms. Meiller-Cook stated that, in her experience, it is the bidders and the lobbyists who are prohibited from speaking with the soliciting agent and others, not the public, and Attorney Vose provided input regarding the distinction between a Cone of Silence/Blackout and Quasi-Judicial decisions.

Mr. Shulman called the question, and upon call for the vote, the call to cut off discussion carried unanimously.

Upon call for the vote, the motion to move the item forward as a topic for discussion carried unanimously; whereupon, Chairman Olliver authorized Clerk Burke to contact the counsel for

the Purchasing Department.

Scheduling Next Topics

Ms. Meiller-Cook reviewed the topics to be scheduled and suggested that the number of meetings be evaluated to see if any could be eliminated.

Mr. Harless shared what he intends to discuss when he presents the redistricting/representation topic; whereupon, in response to query by the Chairman, Attorney Vose related that his research has revealed that Pinellas County, with its two-tiered system, already has one of the more creative solutions to provide representation to everyone. He suggested that the best way to generate ideas for improvement in the unincorporated areas would be to vet it as a group and requested further direction.

Thereupon, Chairman Olliver stated that the term limit discussion would be held at the next meeting, and the dates and locations of the two public hearings decided; and that Messrs. Harless and Shulman would bring forward specific recommendations in March regarding the redistricting/representation issue. He expressed regret that Representative Ahern, Commission Long, and Mary Scott Hardwick could not attend today's meeting due to legislative activity in Tallahassee, and in response to the members' request that Commissioner Long be in attendance when the redistricting/representation issue is discussed, suggested that the members decide at the next meeting whether to cancel the first meeting in March, as the Legislators would still be in session.

REVIEW OF ACTION ITEMS – Not Addressed

ADJOURNMENT

Upon motion by Mr. Harless, seconded by Mr. Sewell and carried unanimously, the meeting was adjourned at 5:56 P.M.

February 17, 2016

Clearwater, Florida, February 17, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, at 3:30 P.M. on this date with the following members in attendance:

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

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other Interested Individuals
Lynn M. Abbott, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)
2. Public Comment on Items on this Agenda (CRC Chairman)
3. Approval of Minutes – February 3, 2016 Meeting (CRC Chairman)
4. Facilitation Team Report and Direction (DM&A)

a. Referendum Topics List
b. Draft Topics for White Paper

5. Charter Amendment Topics
   a. Term Limits (#1) (Vose Law Firm)
   b. New Topics from CRC Members (DM&A)
   c. Scheduling Next Topics (DM&A)

6. Review of Action Items (CRC Chairman)

7. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

Chairman Olliver called the meeting to order at 3:30 P.M. and welcomed those in attendance; whereupon, he announced that Representative Ahern, who will be attending via a telephonic conference call, and Clerk Burke will join the meeting later.

PUBLIC COMMENT

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

John Shaw, St. Petersburg (supports)

Adrian Wyllie, Palm Harbor (supports)

Ron Delp, Tarpon Springs (supports)

Deb Caso, Palm Harbor (supports) (submitted document)

Adelle Blackman, Tarpon Springs (supports)

Tony Caso, Palm Harbor (supports) speaking for Patrick Wheeler, Palm Harbor (supports) (submitted document)

Norm Lupo, Clearwater (supports)

Diane Nelson, Pinellas County Tax Collector (opposes term limits for Constitutional Officers and related the affect term limits would have on the office)

Dan Jordan, Clearwater (supports term limits for County Commissioners)

Deborah Clark, Pinellas County Supervisor of Elections (opposes term limits for Constitutional Officers and related the affect term limits would have on the office)

Pam Dubov, Pinellas County Property Appraiser (opposes)

Kenneth T. Welch, Pinellas County Commissioner (opposes)

Fred Kiehl, Largo (supports)

Marcus Harrison, Palm Harbor (supports)

Diane Lebedeff, Clearwater (opposes)

Stacy Sellede, St. Petersburg (supports)

Ernest Ferro, St. Petersburg (supports)

Jim Pruitt, Clearwater (supports)

Charles White, Clearwater (supports)

Bob Gualtieri, Pinellas County Sheriff (opposes term limits for Constitutional Officers and related the affect term limits would have on the office)

Dave Eggers, Pinellas County Commissioner (supports term limits for County Commissioners; opposes for Constitutional Officers)

David Ballard Geddis, Jr., Palm Harbor, appeared and discussed the Resource Act of 1972.

* * * *

Commissioner Long and Clerk Burke entered the meeting while the citizens were speaking.

* * * *

MINUTES OF FEBRUARY 3, 2016 MEETING – APPROVED

Upon presentation by Chairman Olliver, Commissioner Long moved, seconded by Mr. Sewell and carried unanimously, that the minutes of the meeting of February 3, 2016 be approved.

FACILITATION TEAM REPORT AND DIRECTION

REFERENDUM TOPICS LIST

Ms. Meiller-Cook reviewed the list of referendum topics to be placed on an agenda for discussion, a copy of which has been filed and made a part of the record.

DRAFT TOPICS FOR WHITE PAPER – NOT ADDRESSED

CHARTER AMENDMENT TOPICS

TERM LIMITS (#1)

Attorney Vose indicated that the term limits topic is primarily and foremost a policy discussion, and provided parameters within which the Commission can work. He referenced the *William Telli vs. Broward County* case, noting that it reversed the prior *Cook vs. City of Jacksonville* case that authorized term limits to be imposed on County Commissioners and Constitutional Officers

in the State of Florida, and advised that under that case, the Pinellas County Charter can impose term limits on the County Commissioners; and that the *Eight is Enough* case also seems to indicate that the protection granted in the Charter to the Constitutional Officers in Pinellas County would not be implicated by an imposition of term limits.

Attorney Vose indicated that the citizens have raised questions about various forms of retroactive term limits, and advised that the Commission should proceed with caution with regard to those, as his research has found no direct case law in Florida on retroactive term limits; whereupon, he reviewed two related species of retroactive term limits:

1. Extreme retroactive term limits that would purport to "kick off" immediately after the election any Commissioner who had already exceeded the maximum number of years, thereby creating a vacancy. Attorney Vose advised that it would be problematic under the structure of the Election Code to have one election undo another election at that same election and would be subject to substantial legal challenge.

2. Retroactive term limits that simply count prior terms, but do not purport to "kick" people out of office immediately upon its passage. Attorney Vose advised that there is support in other states going in both directions on whether or not this would pass Constitutional muster, pointing out that there is no law directly addressing this point in Florida.

Attorney Vose indicated that his research revealed that no county in Florida has imposed retroactive term limits in their Charter; and that the City of Miami Beach implemented them in 2014, and it is not known whether the action will be challenged; whereupon, he advised that while there might be some legal support in other States' cases that might make them defensible, retroactive term limits would be subject to substantial challenge in litigation.

Attorney Vose advised that within the above parameters, the Commission does have the ability to put a Charter amendment on the ballot that would (1) impose term limits only on County Commissioners, not the Constitutional Officers, or vice versa; or (2) impose term limits on particular Constitutional Officers or any one; and that (3) the Commission has the right to not place a Charter amendment on the ballot, noting that as it is a policy determination, the 1996 amendment and subsequent litigation places the Commission under no legal obligation.

In response to query by Mr. Steck, Attorney Vose indicated that it is unknown exactly what the Florida Supreme Court meant when it "receded" from Cook but did not reverse the 2003 judgment invalidating the 1996 proposed amendment. He discussed the Pinellas County *Eight is Enough* case and stated that it has been held to mean that the recede language did not revive the prior Charter amendment.

In response to query by Clerk Burke and following discussion, Chairman Olliver indicated that

eight out of the 13 members would need to vote affirmatively to move forward to place term limits on the ballot. Following confirmation by the members, Chairman Olliver stated that the CRC had agreed that those present electronically could vote, and no objections were noted.

* * * *

At this time, 4:38 P.M., Representative Ahern indicated his presence, and the Chairman welcomed him to the meeting.

* * * *

Chairman Olliver opened the floor for discussion; whereupon, Representative Ahern stated that he considers term limits an important issue and is in favor of moving the issue forward.

In response to query by Mayor Bradbury, Attorney Vose advised that the Florida Supreme Court has, tortuously, resolved the primary question and ruled that term limits can be imposed on County Commissioners and Constitutional Officers; that he could not predict whether the elected officials would once more file suit should the citizens approve term limits a second time, noting that there is a better likelihood that the Constitutional Officers would file suit, and litigation by them would have more merit. He warned that there is always the potential for challenge based on the language of a Charter amendment and ballot question, but, should it be the will of the CRC, he would endeavor to make the language defensible to any challenge.

During discussion, the members made the following comments and observations:

<u>Mr. Shulman</u> stated that he opposes term limits for both the Constitutional Officers and the County Commissioners; that he has listened to the citizens, but has not heard a specific harm that the current structure does to the Pinellas County voters; that he is reluctant to limit the will of the people to remove a particular Commissioner from office by instituting an artificial calendar term limit; that State statute provides a recall provision for County Commissioners; that the Constitutional Officers have important institutional knowledge, and the skill set probably translates to the Commissioners; and that term limits have had a disastrous effect on State government.

<u>Mr. Harless</u> stated that he is torn on the issue and is open to being convinced; that having worked in Tallahassee for four years, he does not think term limits are conducive to good democracy; and that he opposes term limits, as he has faith in the voters, but, by the same logic, believes the people should decide the issue because they have already spoken; whereupon, Mr. Shulman agreed that the most compelling argument for term limits is that the voters should have an opportunity to decide the issue again.

<u>Mr. Sewell</u> stated that he shares the same concerns as Messrs. Shulman and Harless; that he is personally opposed to term limits for the Constitutional Officers and does not see a particular reason to apply them to the Commissioners; and that he is in a quandary as to whether to put term limits back on the ballot for the voters to decide.

Clerk Burke provided historical information, and stated that he worked and voted for term limits in 1992; that he believes they have been bad for the State; that the leadership positions now hold all the power, and the rank and file members have very little authority; that a political class has been created in Tallahassee that runs from office to office and the same thing is happening in the counties with term limits; and that the CRC has an obligation to only put forth things that are good public policy.

Comm. Long related that she also voted for term limits and agrees with the Clerk that they have been detrimental to the government. Responding to the citizens who called for her to recuse herself due to a conflict of interest, she stated that she is not speaking for herself, but is representing the Board of County Commissioners. She stated that the scope of the County Commission is enormous, and it takes two to three years for a new Commissioner to become knowledgeable; that she does not believe term limits belong in the County Charter; that only a small percentage of the citizenry have appeared to talk about term limits; that to move the matter forward would only be setting the County up for more litigation and expense; and that she will not support moving the term limits topic forward.

Mr. Steck stated that the right to vote is fundamental in a democracy and it would be insulting to the citizens to have a calendar rather than a ballot box determine how long a Commissioner can serve.

Rep Ahern related that there is a big push in Washington for term limits at the Congressional and Senate levels; and opined that the Founding Fathers did not intend for the Congress and Senate seats to be career positions, and the same is true at the state and local levels. He indicated that many of the current legislators in Florida would not be in office except for term limits, as they could not have been elected because of the distinct advantage the incumbent has in name recognition and raising money; that preservation of the status quo is to the detriment of good government; and that term limits allow for an influx of fresh ideas and open up a spot for people of good character to come in and serve.

Representative Ahern stated that there is a precedent for term limits for County Commissioners, as the State Supreme Court has upheld the Broward County case; that the issue should be put on the ballot to allow the voters to decide and, perhaps, to correct a wrong; that the members have heard from the public, who are overwhelmingly in favor of term limits; that the CRC is in many ways obligated to address the issue; and that it is a viable idea to put term limits for the County Commissioners on the ballot and allow the voters to decide, noting that, if need be, term limits for the Constitutional Officers could be addressed at a later date.

In response to query by Ms. Bell, Attorney Vose stated that the cleanest way to deal with the timeline for Commissioners currently in office would be to specify it in the Charter amendment.

Noting that his intent is to separate the issue, Mr. Sewell moved, seconded by Mr. Steck, that the CRC remove the Constitutional Officers from consideration for term limits.

None of the members responded to the call of the Chairman for discussion.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and expressed their concerns:

Mr. Wyllie	To separate the question is to suppress the original intent of the voters, as the voters initially voted for term limits for both the Constitutional Officers and the Commissioners.
Mr, White	Noted that the preponderance of opinion of the members is to not put the issue on the ballot. Said the way the CRC members are chosen smacks of "good ol' boy" oligarchy government.
Mr. Caso	Check the facts and do not mess up the ballot language.
Mr. Pruitt	Objects to claims of Constitutional Officers that only they can do the job. If elected, would hire people with expertise.
Mr. Geddis	Actions taken today and policies being put in place affect the future of Pinellas County. Politicians are not being honest with the people when they do not give them the whole story.
Ms. Lebedeff	One of the biggest problems with term limits is the loss of experience. Supports the motion for exception of Constitutional Officers from term limits.
Ms. Blackman	Cronyism is evident on the CRC. Thanked Representative Ahern for caring about the people.
Mr. Ferro	Seventy-three percent of the people have voted for term limits. Majority of the citizens still favor term limits. The lack of attendance is because few people know the CRC is in session due to lack of publicity.

Chairman Olliver opened the floor for discussion, and in response to query by Mr. Shulman, clarified that a "yes" vote would be voting to remove the Constitutional Officers from term limits consideration; whereupon, upon call for the vote, the motion to remove the Constitutional Officers from further consideration for term limits carried unanimously.

Representative Ahern moved that the CRC consider putting term limits on the ballot for the County Commissioners. Following consultation with Attorney Vose, Representative Ahern indicated that he would prefer that the number of years of the limit be left open for discussion.

Chairman Olliver called for a second, none was heard, and the motion to consider term limits for the County Commissioners died for lack of a second; whereupon, Mayor Bradbury explained that she did not second the motion as it was open-ended.

Thereupon, Mr. Sewell moved, seconded by Mr. Shulman, that the CRC remove the County Commissioners from consideration for term limits. No one answered the Chairman's call for further discussion by the members.

In response to the Chairman's call for citizens wishing to be heard, the following individuals appeared and expressed their concerns or support for the motion:

Mr. Caso

Mr. Pruitt

Mr. Ferro

Ms. Lebedeff

Mr. Geddis

Ms. Caso

Commissioner Eggers

Mr. Harrison

Concerns of the citizens included:

- The CRC is suspect and should disband and a new Commission be formed.
- Democracy has been denied.
- The CRC did not attempt to work with the people and acted as "kings and queens."
- "Hit and Run" career politicians who go from job to job lead in the dark.
- County Commissioners could easily be replaced every eight years due to the County Administrator, County staff, and the chain of command.
- The issue deserved a discussion, as citizens have already voted overwhelmingly to approve term limits.
- The citizens should be advised of the options available for them to put the issue on the ballot.
- Money is synonymous with politics, and voting at the ballot box does not always guarantee changes needed to give citizens a voice.

Following citizen comment and in response to query by Mr. Pressman, Chairman Olliver confirmed that the motion on the floor is to remove the County Commissioners from further term limit consideration; whereupon, Commissioner Long called the question, and upon call for the vote, the motion to vote on the issue without further discussion carried 12 to 1, with Representative Ahern dissenting.

Upon call for the vote, the motion on the floor to remove the County Commissioners from further term limit consideration carried 12 to 1, with Representative Ahern dissenting.

In response to comments by the citizens, Mr. Steck stated that he does not make his decisions lightly and is deeply offended that the audience feels he voted the way he did because of cronyism; whereupon, in response to a suggestion by Commissioner Eggers, Attorney Vose indicated that Section 6102 of the Charter provides for a citizen initiative to put a Charter amendment on the ballot.

NEW TOPICS FROM CRC MEMBERS - NONE

SCHEDULING NEXT TOPICS

At the suggestion of the Chairman, Commissioner Long moved, seconded by Mr. Sewell and carried unanimously, that the March 2 meeting be cancelled; whereupon, Chairman Olliver reviewed the remaining topics, and indicated that the following topics would be addressed at the March 16 meeting:

- Selection of CRC Members (Messrs. Harless and Shulman presenting)
- Non-Conforming Properties (Mr. Steck) (citizen to complete on-line public input form and to present)
- Procurement Process (Mr. Pressman)
- Selection/Review Process for County Attorney (Clerk Burke)
- Stormwater (Mr. Geddis, Citizen) (Mr. Geddis to complete on-line public input form and to present)

During discussion, Mr. Pressman related that the title *Procurement Process* is not quite representative of his topic; and that *Open Public Hearings during Procurement Process* would better define what he is attempting to accomplish, noting that he would like to have public hearings throughout the procurement process for large bids.

Mr. Shulman indicated that term lengths for County Commissioners is a separate issue from term limits; and that although it had been folded into today's term limits topic, it has not been addressed; whereupon, Attorney Vose, with input by Clerk Burke, advised that the Florida Constitution prohibits terms longer than four years for any office except as provided in the Constitution.

Mr. Steck related that the issue of Representation in the Unincorporated Areas has not been addressed, and discussion ensued.

REVIEW OF ACTION ITEMS – NOT ADDRESSED

ADJOURNMENT

Chairman Olliver announced that the March 16 meeting would be the last one held at this location; whereupon, noting that a motion by Mr. Shulman and a second by Mayor Bradbury had carried unanimously, Chairman Olliver adjourned the meeting at 5:59 P.M.

March 16, 2016

Clearwater, Florida, March 16, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the Pinellas County Utilities Building, 4th Floor Conference Room, 14 South Fort Harrison Avenue, Clearwater, Florida, on this date with the following members in attendance:

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

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other Interested Individuals
Michael Schmidt, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)
2. Public Comment on Items on this Agenda (CRC Chairman)
3. Approval of Minutes – February 17, 2016 Meeting (CRC Chairman)
4. Facilitation Team Report and Direction (DM&A)
   a. Draft Topics for White Paper

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

6. Review of Action Items (CRC Chairman)

7. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

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

PUBLIC COMMENT

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

MINUTES OF FEBRUARY 17, 2016 MEETING – APPROVED

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

FACILITATION TEAM REPORT AND DIRECTION

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

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

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

* * * *

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

* * * *

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

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

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

CHARTER AMENDMENT TOPICS

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

Commissioner Tom Shelly, Town of Belleair, proposed that an amendment be added to the County Charter to allow the reconstruction of buildings that no longer conform to the Land Use Plan or the Building Code and to clarify and simplify the Code for Non-Conforming Properties.

He related that per a 2012 Pinellas County staff report, there are 360 non-conforming properties; that it is difficult to get insurance and loans on those properties, and the Property Appraiser has confirmed that non-conformity lowers their value; that in many instances, the properties were built prior to the creation of the Codes which they now violate; and that should fire, hurricane or some other event impact the buildings, current Codes prohibit rebuilding them as they were prior to being destroyed; whereupon, he requested that he be allowed to bring back a draft Charter amendment at the April 6 meeting.

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

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

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

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

Mr. Harless referred to a document titled *Redistricting/Representation Proposal, March 16, 2016, Pinellas Charter Review Commission* and discussed redistricting the County Commission districts. He indicated that currently the BCC, in conjunction with the Planning Department,

draws the boundaries of the four single-member district seats and the residency areas for the three at-large district seats, and pointed out his concerns with the process: (1) there are no checks and balances to prevent the districts from being tailored for incumbent advantage or to prevent communities of similar interest being divided between two adjacent districts; and (2) there is not a forum for public input in the process beyond attending a BCC meeting.

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

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

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

Representative Ahern indicated that to have a truly independent board, the County Commissioners should not be involved with selecting the members; whereupon, he suggested eliminating the three at-large seats and electing all the Commissioners countywide. Commissioner Long pointed out that the 2000 CRC changed the County Commission from five members to seven and added the three at-large seats. Noting that the pendulum keeps swinging in Pinellas County, Clerk Burke provided historical information and opined that having three at-large Commissioners is a more democratic process and less parochial, as each citizen has a voice in selecting four of the seven Commissioners, and Mayor Bradbury concurred.

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

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

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

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

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

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

During discussion, Mayor Bradbury expressed concern with the depiction of all the beach communities as similar communities of interest; Commissioner Long contended that a new redistricting board is not needed; Representative Ahern agreed with Commissioner Long and

suggested that the BCC could change the current process to provide more parameters; Mr. Pressman indicated that population should not be the only parameter, as it is currently; Mr. Steck confirmed with Mr. Harless that his intention is to prevent gerrymandering, or manipulating an electoral area; and Clerk Burke indicated that he supports the proposal and thinks the proposed board would promote responsible and transparent government, noting that he would prefer that the members be appointed by the BCC.

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

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

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

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

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

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

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

- Who would name the members of the new board?

- Would the redistricting plan be binding upon the County Commission or only a recommendation?

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

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

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

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

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

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

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

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

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

Mayor Bradbury commented that she supports the amendment and suggested that in the interest

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

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

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

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

Upon call for the vote, the motion carried unanimously.

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

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

Mr. Pressman related that decisions involving hundreds of millions of taxpayer dollars are made with the County Commission existing in a vacuum; that lobbyists are currently in disfavor, and the pendulum has swung so far that the process has become damaged; that the most knowledgeable people are not allowed to speak or to communicate with staff or the County

Commissioners; and that staff sometimes develops biases and presents information to the Commission and to the public that cannot be corrected due to the blackout.

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

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

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

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

At the request of the Clerk, Mr. Pressman provided two examples relative to the proposal: the ten-year, billion-dollar contract for the County's Waste-to-Energy Plant and the contract for transport of disabled people. Clerk Burke expressed unease about lessening transparency in communication and commented that the concern is that whoever hires the best lobbyist, wins,

whether or not it is the best decision; whereupon, Mr. Pressman stated that the County Commissioners themselves would serve as a check and balance, and discussion ensued regarding safeguarding the process.

* * * *

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

* * * *

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

SCHEDULING NEXT TOPICS (DM&A)

- Earlier in the meeting under Agenda Item No. 4a, Draft Topics for White Paper, Ms. Meiller-Cook reported that the following item had been added for the members' consideration:

  - Training for CRC Members (members selected to serve on the next CRC would be provided early training).

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

REVIEW OF ACTION ITEMS

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

MISCELLANEOUS

Chairman Olliver indicated that the required two public hearings must be advertised 45 days in advance; that the hearings will be held on June 1 and June 15, which are already on the calendar, unless the members object; that the meeting times will be changed to begin at 6:00 P.M.; and that the hearings will be held in the St. Petersburg City Council Chambers and in the County Commission Assembly Room in downtown Clearwater, and discussion ensued regarding parking, other places more centrally located, expected attendance, and topics to be discussed.

Following discussion, Chairman Olliver asked that the members reserve the above-mentioned dates and times for the public hearings; and indicated that the topic for both meetings would be a review of the actual Charter amendment language, which Attorney Vose will craft prior to the public hearings.

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

ADJOURNMENT

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

April 6, 2016

Clearwater, Florida, April 6, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the County Extension Services Center, Largo, Florida, on this date with the following members in attendance:

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

Not Present James Sewell

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other Interested Individuals
Christopher Bartlett, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)
2. Public Comment on Items on this Agenda (CRC Chairman)
3. Approval of Minutes – March 16, 2016 Meeting (CRC Chairman)
4. Charter Amendment Topics
   a. Greater Representation for Unincorporated Areas (Shulman)

i. BCC Meeting Monthly on Issues Involving Unincorporated Areas
ii. Appointment to Boards
iii. Citizens Committee

b. BCC Size: Is Seven Members Still Appropriate? (Shulman)
c. Redistricting (Harless, Shulman)
d. Procurements Involving Large Dollar Contracts (Pressman)
e. Amendments via Citizen Petition (DM&A)
f. Nonconforming Properties (Steck)
g. Last Call for Topics (DM&A)

5. Facilitation Team Report and Direction (DM&A)
   a. Draft Recommendations for Final Report

6. Dates/Time/Locations (CRC Chairman)

7. Review of Action Items (CRC Chairman)

8. Adjournment (CRC Chairman)

CALL TO ORDER AND OPENING COMMENTS

Chairman Olliver called the meeting to order at 3:30 P.M., welcomed those in attendance, and thanked Pinellas County staff for the successful transition to the new meeting place.

PUBLIC COMMENT

John Shaw, St. Petersburg - Citizen Petitions

Number of citizens in Pinellas County has increased significantly since item was placed in Charter. The requirement that 10 percent of the electors must sign a petition before it may be put on the ballot places an onerous burden on citizens and discourages citizen involvement.

Marcus Harrison, Palm Harbor (Unincorporated Area) – Greater Representation for Unincorporated Area

Unincorporated areas equal almost 30 percent of the population, greater than the largest municipality, yet there is no feedback from the community regarding use of Penny for Pinellas tax monies and other matters.

Concurred with Mr. Shaw regarding citizen petitions.

J. B. Pruitt, Clearwater – (1) Term Limits, (2) Composition of CRC, and (3) Citizen Petitions and Participation

Expressed concern that CRC did not listen to citizens regarding term limits.

CRC Boards should be randomly selected and members should not be politically connected.

Concurred with Messrs. Shaw and Harrison regarding citizen petitions.

In response to queries by the Chairman, Mr. Shulman confirmed that he had conferred with Mr. Harrison regarding the representation item, which he will present later in the meeting.

MINUTES OF MARCH 16, 2016 MEETING – APPROVED

Upon presentation by Chairman Olliver, Commissioner Long moved, seconded by Mayor Bradbury and carried unanimously, that the minutes of the meeting of March 16, 2016 be approved.

* * * *

Clerk Burke entered the meeting via telephone conference call at 3:42 P.M.

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CHARTER AMENDMENT TOPICS

GREATER REPRESENTATION FOR UNINCORPORATED AREAS – DENIED AS CHARTER AMENDMENT; LANGUAGE RE FIVE PROPOSALS TO BE CRAFTED FOR WHITE PAPER

Ms. Meiller-Cook, with input by Chairman Olliver and Messrs. Shulman and Harless, reviewed the item, noting that Mr. Shulman has assembled some specific options, which have been filed and made a part of the record, originating from the original proposal made by Mr. Harless.

Noting that Clerk Burke expressed interest in moving the item forward, Mr. Shulman provided background information, relating that the 2010 Census showed that 30 percent of Pinellas County residents reside in an unincorporated area; that, collectively, the unincorporated areas represent the largest "city" in the county; that the BCC serves as the local municipal government as well as the County government for the incorporated areas; and that the unincorporated areas do not enjoy the same level of planning, advocacy, and access to government and government services as residents who reside in a properly designated municipality.

Mr. Shulman reviewed the five proposals, noting that each is independent, although two or more could be combined; that the proposals address concerns expressed by the public; and that he is not advocating for any specific proposal.

1. Create two Citizen Advisory Boards (North and South Pinellas) comprised of three members residing in the respective unincorporated areas to deal with governance issues, project priorities, and advocacy before the BCC.

2. Increase the number of County Commissioners to nine members. The two additional members would be elected solely by residents in the unincorporated areas and would be required to reside in the respective unincorporated area.

3. Ask the Legislature to create an elected body(ies) administered in the same way as the Fire Control Districts to represent the unincorporated areas.

4. Require that discretionary monies in the County budget from funding sources such as Penny for Pinellas, tourism bed taxes, and Special Funds be allocated proportionally to the unincorporated areas. For example, if there is $1 million available, 30 percent, or $300,000, would have to go to projects within the unincorporated boundaries.

5. Require the BCC to set aside time at regular intervals organized in such a way as to solely address the concerns of the unincorporated residents.

In response to query by Mr. Pressman, Mr. Harless, with input by Mr. Shulman, clarified that the citizen committee proposed in No. 3 would be structured similar to the Fire Services Districts and would probably need to be adopted by a Special Act of the Legislature; whereupon, he requested that Commissioner Long explain how the BCC currently addresses issues in the unincorporated areas.

Commissioner Long discussed how County government operates, and related that many functions and responsibilities of the BCC are countywide, such as the Waste Treatment Facility; whereupon, she cautioned that the CRC should be wary of tinkering with the system without a full understanding of how it works. Chairman Olliver expressed concern that people living in the unincorporated areas seem to feel disconnected and unrepresented, noting that Mr. Harrison specifically mentioned that they are not getting their fair share of Penny money; whereupon, Commissioner Long indicated that the BCC tries to make everyone happy, but there are more needs than resources; and that it would be almost irresponsible to govern based on population rather than need. She stated that Mr. Harrison appears before the BCC with the same concerns and has had personal one-on-one meetings with the County Administrator and the budget director, noting they have discussed with him the many millions of dollars that have been poured into North County.

During discussion, Mayor Bradbury referred to the Public Library Cooperative and related how it serves both the unincorporated areas and the municipalities, and Commissioner Long cited East Lake Recreation as an example of the BCC responding to the needs of the unincorporated areas; whereupon, Mayor Bradbury commented that the proposed citizen committees would soon become obsolete, as only the Tierra Verde, Palm Harbor, and Lealman areas are not subject to annexation.

Representative Ahern related that the state is reluctant to create Special Districts unless there is a compelling interest; and that the item does not seem to rise to the level of amending the Charter, as there seems to already be coverage in the unincorporated areas; whereupon, he suggested that the item be added to the white paper, and Mr. Bardine concurred, adding that proposals Nos. 1 and 5 seem to be compatible and easily implemented.

Clerk Burke commented that the BCC seems to be supporting the unincorporated areas, but communication should be improved so citizens are aware of projects such as the Palm Harbor

and Seminole recreation facilities and the work in Lealman and Tarpon Springs, and Ms. Caron and Mr. Shulman concurred.

Thereupon, Clerk Burke moved, seconded by Mr. Bardine, that the CRC not take action on the Representation for Unincorporated Areas item, and instead add it to the white paper.

During discussion, Mr. Shulman indicated that his purpose is to ensure the public has a chance to bring ideas forward; and that this is an opportunity to solidify a process for the unincorporated areas to have the ability to advocate in a coordinated way. Mr. Steck stated that while he recognizes the work the BCC has done in the unincorporated areas, the concerns have been voiced persistently; that enough information has not been provided to warrant delegating the item to the white paper; and that he would prefer deferring it to the next meeting.

Mr. Harless related that he does not feel that the issue rises to the level of a Charter Amendment, but would support moving it to the white paper, noting that he is curious whether some of the boards and committees already require a member from the unincorporated area, and Mayor Bradbury and Commissioner Long cited the Pinellas Planning Council, the Metropolitan Planning Organization, and the Pinellas Suncoast Transit Authority as examples of citizen advisory groups; whereupon, Commissioner Long cautioned that fiscal issues must be considered, as citizens do not want their taxes raised.

In response to query by Attorney Vose, Clerk Burke stated for the record that his motion is separate from item No. 4-b, "BCC Size: Is Seven Members Still Appropriate?"

Chairman Olliver indicated that while it may not be spelled out in Clerk Burke's motion, the intent is to use Mr. Shulman's recommendations to provide the unincorporated areas a voice equal to the cities' on issues relating to financing and other matters.

In response to the Chairman's call for citizens wishing to be heard, Mr. Harrison reiterated his concerns, noting that most of the conversation centered around countywide programs, with which he has no issue, instead of the unincorporated areas. He agreed that money is spent in North County, but claimed that the citizens have no say in how it is spent; and stated that North County needs additional land for parks and recreation, as intended in the original Penny.

Thereupon, Chairman Olliver stated that the motion is to not approve the item as a Charter Amendment, but to use the five proposals to craft language for the white paper section of the final report. Upon call for the vote, the motion carried 10 to 2, with Messrs. Shulman and Steck casting the dissenting votes.

BCC SIZE: IS SEVEN MEMBERS STILL APPROPRIATE? – PROPOSAL TO INCREASE NUMBER OF COMMISSIONERS DENIED; DISCUSSION RE WHITE PAPER TO BE ON NEXT MONTH'S AGENDA

Mr. Shulman indicated that the proposal addresses the issue of citizen representation in the

unincorporated area; and that he recommends increasing the number of County Commissioners from seven to nine, with the stipulation that the two new members must reside in an unincorporated area of the county, and discussion ensued.

Attorney Vose confirmed that there is no legal limitation on the number of commissioners allowed in a Charter county. Mr. Harless related that his research shows that seven commissioners seems to be appropriate according to the population figures; and in response to query by Mr. Shulman, stated that he does not know if the percentage of citizens residing in unincorporated areas in Pinellas is comparable to other counties. Commissioner Long commented that the County has three at-large members, and again expressed her fiduciary concerns. Clerk Burke expressed surprise that expanding the number of commissioners is even on the agenda, and in response to his queries, Chairman Olliver and Ms. Meiller-Cook indicated that it was brought up in the context of representation for the unincorporated citizens; whereupon, Clerk Burke stated that it would cost approximately half a million dollars to add two new commissioners; that he is very attuned to the citizens and has not heard anyone advocate for more commissioners; and that it seems to be a case of solving a problem that does not exist.

Upon the Chairman's call for a motion, Mr. Shulman moved that the number of commissioners be increased from seven to nine, and that the new members must live in the unincorporated areas.

Mr. Steck offered to second the motion with the caveat that Mr. Shulman accept a friendly amendment to remove the mandate to reside in the unincorporated area. Mr. Shulman refused, stating that the restriction is the basis of the motion; whereupon, Mr. Steck withdrew his second; and Chairman Olliver stated that the motion died for lack of a second.

In response to Chairman Olliver's assumption that the item would be added to the white paper, Mr. Pressman expressed concern that something the group did not support would be moved forward in any way. Commissioner Long concurred, stating that the CRC agreed that legitimate support is needed to move an item forward, and the support does not exist; and that she would not support moving the item forward without knowing the fiscal impact.

Attorney Vose advised that the members should decide whether the white paper would only document for the record the issues discussed or would be a list of items that the CRC supports but does not think rise to the level of a Charter amendment. Mr. Pressman indicated that the integrity of the record would be compromised if it appears that the group supports this item; and Commissioner Long concurred and expressed concern that the white paper might not be taken seriously; whereupon, Ms. Caron referred to an earlier conversation in which it was suggested that the white paper show recommendations from the CRC and a "gray" paper be created showing items discussed but not approved.

Representative Ahern commented that the Term Limits item failed for lack of a second and it would be inappropriate to add it to the white paper, noting that it will be covered in the minutes.

Mayor Bradbury stated that only items recommended by the Commission should be put in the white paper; and that the report to the County Commission should clearly indicate it was not recommended by the members. Following discussion and at the suggestion of Mr. Pressman, Chairman Olliver noted a consensus to add a discussion about the white paper to next month's agenda, and no objections were noted.

REDISTRICTING - APPROVED WITH FRIENDLY AMENDMENT RE DISTRICT ATTRIBUTES

Mr. Harless indicated that at the last meeting, the Commission voted 11 to 2 to take the political power of drawing the boundaries for the County Commission seats away from the Planning Department and the County Commission and give it to a panel of citizens. He indicated that there are two unresolved issues: the role County staff will play in assisting the new Citizens Redistricting Board and confirmation from the Supervisor of Elections that she or a designee will serve on the panel; whereupon, he reviewed the redistricting proposal and the recommendation outlined in the agenda packet, which has been filed and made a part of the record.

Thereupon, Mr. Harless moved, seconded by Mr. Shulman, that the redistricting proposal and recommendations be approved.

During discussion, Representative Ahern commented that he sees no compelling interest from the citizens; that he is not aware of a problem; and that he does not support the motion. Mayor Bradbury indicated that she runs as a non-partisan candidate and is concerned that the political parties would become involved; and that she does not support the motion.

Responding to the comments of Representative Ahern, Mr. Harless stated that the goal of the CRC is to examine the core function of government and how it works; that gerrymandering happens and is as old as Time; that a movement is happening throughout the country prohibiting people holding offices from drawing their own seats, both for ethical reasons and for good government; and that by having a citizen board, a greater voice would be given to communities.

Mr. Harless reviewed the redistricting that occurred in 2000 and discussed the six Attributes for the districts shown on Page 5 of the agenda memorandum:

1. Not to favor or disfavor a political party or incumbent.

2. Not to deny racial and ethnic minorities the equal opportunity to elect representatives of their choice.

3. Must be contiguous and within three percent of equal population.

4. Make use of existing municipal boundaries where feasible.

5. Maintain similar communities of interest.

6. Give consideration to keeping unincorporated areas together where possible.

Answering Mayor Bradbury's concerns that the process would become politicalized, Mr. Harless stated that Attribute No.1 should prevent politicalization; and that he is confident the BCC would not consider the political leanings of the citizens they appoint; whereupon, Mayor Bradbury pointed out that currently County staff, not the Commissioners, draw the seats, but the Commissioners would appoint the panel. During discussion, Mr. Harless stated that the Planning Department does not operate under guidelines, but only considers population; whereupon, he reiterated that the proposal would solve two problems: take redistricting out of the hands of those who benefit directly, and provide guidelines for drawing the individual districts.

Commissioner Long stated that meetings were held throughout the county during the 2000 redistricting when the number of commissioners was being increased. She referenced a recent countywide citizen survey, and related that it showed the citizens overwhelmingly approve the way the County is being governed, noting that she has asked the BCC Chairman to provide a copy of the survey to the Commission. Chairman Olliver alluded to an offer for the County Administrator to appear before the CRC to review the survey findings, and related that he had not considered it to be the best use of the members' time to have him for today's discussion.

Mayor Bradbury expressed concern regarding Attribute No. 3, the requirement that a district must be within three percent of equal population and use existing municipal boundaries; whereupon, Mr. Harless pointed out that the words *where feasible* would allow flexibility.

Clerk Burke commented that there seems to be two issues, and in response to his query, Attorney Vose reviewed the Florida Constitution as it relates to County Commissioners drawing the districts. The Clerk pointed out that there seems to be a misconception that Pinellas County staff is empowered to draw the districts and recommend them to the BCC, noting that is not the case; whereupon, he indicated that he supports creating a separate entity.

Mr. Harless stated that he would be open to friendly or unfriendly amendments and would prefer the CRC vote on separate aspects of the proposal rather than reject it in its entirety. Chairman Olliver indicated that he is leaning toward voting no, as he is concerned about the proposals being binding rather than advisory; and Mr. Steck suggested that rather than creating a new entity, an amendment could be crafted giving the responsibility for drawing the lines to County staff, rather than the BCC; whereupon, Mr. Harless related that while he would be open to making the proposals advisory rather than binding, he would prefer there be a separate entity.

Thereupon, Chairman Olliver stated that the motion on the floor is to approve the entire proposal with the four components shown in the backup: (1) Appointment of the Board, (2) Binding Proposals, (3) Timeframe for Work, and (4) Guidelines for Districts. Clerk Burke pointed out that there does not appear to be enough support to approve the motion as submitted, and in

response to his comments, Chairman Olliver reiterated that the members approved the concept of a separate entity at the last meeting.

Clerk Burke offered a friendly amendment, seconded by Commissioner Long, that the new redistricting panel's work product be a recommendation to the BCC rather than a binding document; whereupon, Mr. Harless accepted the friendly amendment and indicated that the wording of the proposal would be changed to reflect the amendment.

* * * *

At this time, 5:17 P.M., Mayor Bradbury left the meeting.

* * * *

Thereupon, Chairman Olliver displayed the Redistricting Proposal and its components and indicated that component No. 1, *Appointment of the Board*, would remain the same, and no objections were noted.

Chairman Olliver indicated that component No. 2, *Binding Proposals,* would be changed to *Advisory Proposals,* or some similar language, and the explanatory language would be crafted by Mr. Harless, and no objections were noted.

Chairman Olliver indicated that component No. 3, *Timeframe for Work,* would remain the same and, following discussion, no objections were noted.

Chairman Olliver indicated that several members had concerns regarding the six Attributes listed under component No. 4, *Guidelines for Districts: Should General Recommendations and Guidelines be Included?* and opened the floor for suggestions. Representative Ahern asked that No. 5, *Maintain Similar Communities of Interest,* be removed. Clerk Burke commented that the Attributes should be factors to be considered, but not binding; whereupon, Mr. Harless suggested that the first three Attributes be considered firm, and the last three not binding.

Thereupon, Clerk Burke moved, seconded by Mr. Steck, that Attributes Nos. 1 through 3 be binding and Nos. 4 through 6 be advisory. Mr. Harless accepted the friendly amendment, and discussion ensued.

Upon the Chairman's call for citizens wishing to be heard, Mr. Harrison indicated that he supports the proposal, but would prefer that it be binding on the BCC.

In response to query by Mr. Pressman, Mr. Harless confirmed that the maps drawn by the new Citizens Redistricting Board would be advisory to the BCC, not binding.

Upon call for the vote, the motion with the friendly amendment carried, with Mr. Pressman dissenting. In response to query by Clerk Burke, Chairman Olliver confirmed that the item is approved; whereupon, he stated for the record that Mayor Bradbury had to leave the meeting, but had requested that she be shown as dissenting.

PROCUREMENTS INVOLVING LARGE DOLLAR CONTRACTS – DENIED; MAY BE REOPENED IF EXPECTED CHANGE NOT MADE

Noting that the CRC has already discussed the item several times, Mr. Pressman requested that the Charter be amended to address the procurement process used for contracts involving large sums of money by allowing more public input. During discussion, Commissioner Long acknowledged that she provides updates to staff and the Commissioners, as she is the Commissioner appointee and considers it her fiduciary responsibility. She stated that the BCC adopted the ordinance in order to keep the procurement process pure; that the ordinance does not prohibit lobbyists from speaking before the Board, but does prohibit them from speaking to the members individually before staff has presented its recommendation; and that the County Commission, not staff, selects the vendor.

In response to query by Mr. Steck, Commissioner Long indicated that the County Attorney had conceded earlier that Mr. Pressman has a point, but that after reviewing the documents and the current procurement process, he and the County Administrator are very comfortable with the current ordinance; that it is considered "best practice" throughout the state; and that Hillsborough County is considering replicating the Pinellas ordinance, as Pinellas seems free of the "hanky-panky" that plagues Hillsborough. Mr. Pressman indicated that at one time, the County allowed for a great deal of communication, but the pendulum has swung too far in the other direction; and that contrary to what the Commissioner said, staff very effectively filters the information provided to the Board. Representative Ahern concurred, noting that sometimes government finds it easier to stay with the status quo; whereupon, he opined that information is power when it comes to how the contracts are awarded.

During discussion, Ms. Caron opined that the topic is not a Charter issue; and Mr. Harless indicated that this seems to be an ongoing battle between lobbyists and bureaucrats, and described how lobbying is handled by the state.

In response to query by the Chairman, Commissioner Long indicated that she and the County Attorney are discussing a change that would allow lobbyists to address the Board as a whole during the procurement process, but not the members individually. Chairman Olliver agreed that a compromise is needed, and asked if a Charter amendment is needed or if the Commissioner thinks the plan she is discussing with the County Attorney will materialize. Commissioner Long provided more information about the current procedure, and indicated that the procurement staff reports to the County Administrator, not to the BCC; and that the BCC does not take the process lightly, noting that a $250,000 cap limits the amount the County Administrator can authorize

without coming before the Board. In response to query by Mr. Steck, Commissioner Long acknowledged that the change is not yet in writing; whereupon, Mr. Steck suggested that the matter be deferred until the next meeting when the County Attorney can attend.

Upon the Chairman's call for a motion, Mr. Pressman moved, seconded by Representative Ahern, that the item be approved. Chairman Olliver summarized the proposal, indicating that it would break the cone of silence and allow lobbyists to communicate directly with the individual elected officials prior to the recommendation of staff and review by the full Board.

Mr. Steck moved to table the item, stating that if the CRC votes the item down and the County Attorney does not make the change, it cannot be brought up again; whereupon, Chairman Olliver indicated that the motion to table dies for lack of a second.

In response to query by Chairman Olliver, Mr. Pressman confirmed that the aforementioned $250,000 figure should be inserted into his proposal.

Upon the Chairman's call for citizens wishing to be heard, Mr. Harrison indicated that he supports the cone of silence, but would recommend that there be a point in the process that would allow lobbyists a chance to provide information to the Board before staff makes its formal recommendation, which is usually approved.

Upon call for the vote, the motion failed by a vote of 3 to 8, with Clerk Burke, Commissioner Long, Chairman Olliver, Ms. Bell, and Messrs. Bardine, Harless, Shulman, and Steck dissenting.

Thereupon, noting that it would be contrary to the CRC's usual process, Chairman Olliver stated that in the spirit of today's conversation and in respect of what Mr. Steck was trying to accomplish by seeking to table the item, the topic would be pursued if the County Attorney has not made the aforementioned change before the final report, and no objections were noted.

AMENDMENTS VIA CITIZEN PETITION - DEFERRED TO NEXT MEETING

Ms. Meiller-Cook indicated that this Charter amendment item came via public input; that it addresses Section 6.02 of the Pinellas County Charter; and that it would change the requirement to get a Charter initiative on the ballot from the current 10 percent of registered voters to five percent.

* * * *

In response to the Chairman's request, Mr. Harless moved, seconded by Mr. Shulman and carried unanimously, that the meeting be extended by 30 minutes.

* * * *

Attorney Vose reviewed a chart showing the number of signatures required by other Florida Counties, and in response to queries by Representative Ahern and Mr. Steck, discussed whether the lesser standard encourages more citizen petitions, noting that most initiatives reviewed were not frivolous. He indicated that there are 631,000 registered voters in Pinellas County, and a five percent requirement would be 31,500 signatures; and that the Charter does not provide for an ordinance by the initiative process.

Representative Ahern stated that since the CRC only meets every eight years, a need exists to change the Charter to make it easier for citizens to put an initiative on the ballot, both by changing the number of registered voters required to sign a petition and the number of days allowed to gather signatures.

Thereupon, Mr. Steck moved, seconded by Representative Ahern, that the proposal be moved forward, with the exact percentage to be decided at a future meeting.

During discussion and in response to queries by Clerk Burke, Attorney Vose provided information about the process; whereupon, Representative Ahern stated that it is an important opportunity for the CRC to provide a way for the people to influence the Charter process.

Mr. Steck indicated that he would be open to friendly amendments. Chairman Olliver, with input by Representative Ahern, offered a friendly amendment to lower the signature requirement to eight percent and to extend the time allowed to gather the signatures from 180 to 240 days. Mr. Steck accepted the friendly amendment, and discussion ensued; whereupon, Commissioner Long called the question.

Clerk Burke stated that this seems to be a change in procedure, as an item is usually not introduced and voted on at the same meeting; and that he needs to consult with the other Constitutional Officers; whereupon, he moved to table the item, seconded by Commissioner Long and carried unanimously.

Thereupon, Chairman Olliver informed the public that the item would be on the next agenda.

NON-CONFORMING PROPERTIES

Mr. Steck reported that the item is still being reviewed.

* * * *

At this time, 6:15 P.M., Ms. Caron and Messrs. Pressman and Bardine left the meeting.

* * * *

LAST CALL FOR TOPICS (DM&A)

No one responded to the Chairman's call for new topics; whereupon, he officially closed the

floor for new topics to be introduced.

FACILITATION TEAM REPORT AND DIRECTION

DRAFT RECOMMENDATION FOR FINAL REPORT

Chairman Olliver directed that the facilitation team report be moved to the next meeting, and requested that the members review the draft language for the report.

DATES/TIME/LOCATIONS

Chairman Olliver stated that the next meeting would be held at this location on April 20, noting that probably all of the scheduled meetings would need to be held; whereupon, he directed that Ms. Hardwick follow through with the preparations for the public hearings, and no objections were noted.

REVIEW OF ACTION ITEMS

Ms. Meiller-Cook and Attorney Vose agreed to provide information about citizen petitions that may have failed because of the signature number requirement and/or time allowed to gather signatures and a list of the items proposed by citizen petitions in Brevard County.

ADJOURNMENT

Upon motion by Mr. Harless, seconded by Mr. Shulman and carried unanimously, the meeting was adjourned at 6:18 P.M.

April 20, 2016

Clearwater, Florida

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the County Extension Services Center, Largo, Florida, on this date with the following members in attendance:

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

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other Interested Individuals
Laura M. Todd, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)

2. Public Comment on Items on this Agenda (CRC Chairman)

3. Approval of Minutes – April 6, 2016 Meeting (CRC Chairman)

4. Charter Amendment Topics
   a. Non-Conforming Properties (Steck)
   b. Amendments via Citizen Petitions (DM&A)

c. Redistricting (Harless)

5. Draft Final Report Review
   a. Language for Amendments (Vose)
   b. Recommendations (DM&A)
   c. Final Report Format and Content (DM&A)

6. Dates/Time/Location (CRC Chairman)

7. Review of Action Items (CRC Chairman)

8. Adjournment (CRC Chairman)

CALL TO ORDER

Chairman Olliver called the meeting to order at 3:33 P.M. and welcomed those in attendance.

PUBLIC COMMENT

John Shaw, St. Petersburg – Citizen Petitions (Submitted Data Sheet)
Reduce signature requirement to five percent and eliminate requirement for signatures to be from certain districts.

Dan Jordan, Clearwater – Citizen Petitions
Reduce signature requirement to five percent.

Freddy Ferro, St. Petersburg – Motion to Include Revocation of Term Limits for Commissioners in White Paper
Show on white paper that the CRC rejected citizens' requests to put term limits in the Charter.

Marcus Harrison, Palm Harbor
Reduce signature requirement to five percent.
CRC should represent Pinellas County citizens, not elected officials or the establishment.

Barbara Haselden, St. Petersburg – Petitions (Submitted Chart re Signature Requirements in Other Counties)
Reduce signature requirement to five percent.

MINUTES OF APRIL 6, 2016 MEETING – APPROVED

Upon presentation by Chairman Olliver, Mr. Sewell moved, seconded by Mr. Shulman and carried unanimously, that the minutes of the meeting of April 6, 2016 be approved.

CHARTER AMENDMENT TOPICS

NON-CONFORMING PROPERTIES – WITHDRAWN AND REMOVED FROM LIST

Mr. Steck reported that the matter has been satisfactorily resolved.

AMENDMENTS VIA CITIZEN PETITIONS – APPROVED; DISCUSSION RE DISTRICTS DEFERRED TO NEXT MEETING

Noting that the item was deferred at the last meeting, Ms. Meiller-Cook related that the current ten-percent requirement for signatures and the 180-day time limit to gather the signatures makes it difficult to get an item on the ballot outside the CRC process and discourages citizen participation; whereupon, Mr. Sewell commented that while he was not involved in the earlier discussion, it would seem logical to reduce the signature requirement to five percent and leave the number of days allowed to gather the signatures at 180.

Clerk Burke indicated that at the conclusion of the discussion at the last meeting, the CRC arrived at a compromise via lowering the signature requirement and increasing the number of days allowed to gather the signatures. Chairman Olliver clarified for the record that the motion on the floor, made by Mr. Steck and seconded by Representative Ahern, is to lower the signature requirement from ten percent to eight and increase the number of days allowed to gather the signatures from 180 to 240; whereupon, at the request of Mr. Steck, Attorney Vose discussed the data provided showing how other Charter counties in Florida handle the issue, noting that the requirements vary considerably, and discussion ensued.

Thereupon, Representative Ahern offered a friendly amendment to change the requirement to six percent and the number of days to 240, and Mr. Steck and the seconder accepted the amendment.

Clerk Burke and Mr. Pressman expressed concern regarding the authenticity of the data presented, and Attorney Vose explained how he arrived at the figures.

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Mr. Harless and Commissioner Long entered the meeting at 3:54 and 3:59 P.M., respectively.

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For the benefit of the late arrivals, Chairman Olliver provided a review of the item, and stated for the record that the motion now on the floor is for a six percent signature requirement and 240 days to gather the signatures. In response to query by Mr. Shulman, Ms. Meiller-Cook indicated that the research he had requested regarding failed citizen petitions had not been conducted; whereupon, expressing concern that the average shown in the chart is skewed, Mr. Shulman

indicated that he would support an eight percent requirement, and discussion ensued regarding the percentage of signatures required in State government.

During discussion, Representative Ahern commented that fear seems to be keeping the CRC from making it easier for citizens to put their initiatives forward through the ballot process. Commissioner Long related that she feels the reluctance is a recognition that amending the Charter is a serious matter, and Mr. Harless concurred. Citing the purchase of preservation land, the class-size amendment, and the lottery being used to support the schools, Clerk Burke commented that he would not want Pinellas County to take citizen initiatives as lightly as does the State; whereupon, he stated that the consensus of the members at the last meeting was to liberalize both requirements, which would empower the citizens but keep the safeguards intact.

Mr. Harless suggested that the Commission could consider increasing the percentage of votes required to pass an amendment, and Attorney Vose pointed out that the State Constitution states that a Charter may be amended by a "vote of the electors," which is defined as 50 percent plus one.

Chairman Olliver called for a vote on the motion on the floor for a six percent signature requirement and 240 days to gather the signatures; whereupon, Clerk Burke offered an amendment to the motion to strike the six percent and substitute eight percent, seconded by Commissioner Long. In response to query by the Chairman, Clerk Burke indicated that his motion was not intended as a friendly amendment.

Attorney Vose advised that the topic to be debated is whether to approve Clerk Burke's amendment. During discussion, Clerk Burke indicated that his amendment does not change the number of days, 240, allowed to gather the signatures; and Attorney Vose provided procedural information.

Upon call for the vote, the amendment changing the percentage requirement for signatures needed from six to eight carried 10 to 3, with Representative Ahern and Messrs. Harless and Steck casting the dissenting votes.

Chairman Olliver indicated that the motion on the floor is for an eight percent signature requirement and 240 days to gather the signatures. In response to queries by Clerk Burke, Attorney Vose provided information about the restrictions pertaining to the districts as shown on the data sheet submitted by Mr. Shaw, and discussion ensued wherein Mayor Bradbury related that the reason for the district requirements is to ensure that if a petition is introduced in one part of the county that would affect the entire county, all the people would have a voice; whereupon, Ms. Caron suggested that the district portion be voted on separately, as she would like to have more information.

Upon the Chairman's call for citizens wishing to be heard, the following individuals appeared and expressed their concerns that the eight percent requirement places an onerous burden on the citizens; and that the CRC seems to be representing the government, not the people:

John Shaw
Marcus Harrison
Barbara Haselden
Freddy Ferro

Upon call for the vote, the motion to change the signature requirement to eight percent and the number of days to gather the signatures to 240 days carried 11 to 2, with Representative Ahern and Mr. Harless casting the dissenting votes.

Mr. Steck offered an amendment that no more than 30 percent of signatures may be received from one district. Chairman Olliver pointed out that Ms. Caron had requested that more information be provided before the district issue is brought to a vote; whereupon, Mr. Steck withdrew his amendment, and discussion ensued.

Mr. Shulman moved, seconded by Clerk Burke, that the 40 percent requirement for the at-large districts be removed and the matter be decided at this time. Commissioner Long expressed concern that Broward County is being used as a comparison, noting that the demographics and issues of the two counties are very different; whereupon, she recommended that the matter be researched to determine the rationale for the current rule, and Mr. Harless concurred.

Clerk Burke indicated that he had seconded Mr. Shulman's motion in order to have something definite for the CRC to consider; whereupon, he moved, seconded by Mr. Sewell, that the motion be tabled in order for due diligence to be exercised regarding unforeseen circumstances. Representative Ahern commented that removing the 40 percent district requirement seems straightforward; and that it would ease the burden on the Supervisor of Elections.

Upon call for the vote, the motion to table the item carried 12 to 1, with Representative Ahern dissenting. Chairman Olliver directed that the facilitators provide historical information about the district requirements, and Attorney Vose agreed to provide examples of actions other counties have taken; whereupon, Clerk Burke expressed appreciation that the CRC is honoring its policy to not vote on items at the same meeting they are introduced.

REDISTRICTING – AMENDMENTS REMOVING SUPERVISOR OF ELECTIONS AS MEMBER OF CITIZEN ADVISORY BOARD AND CHANGING TIMEFRAME FOR ISSUANCE OF REPORT – APPROVED

Ms. Meiller-Cook indicated that a Charter referendum amendment was approved at the April 6 meeting creating an independent citizen advisory board to review U.S. Census data and provide

options for redistricting to the Board of County Commissioners (BCC).

Mr. Harless stated that there were certain elements in the Charter amendment that needed to be finalized; and related that he had met with the Supervisor of Elections regarding serving on the new citizen advisory board and she had persuaded him that the impartiality and credibility of her office would suffer if she became involved; whereupon, he moved, seconded by Commissioner Long, that the Supervisor of Elections be removed as an ad hoc member, and the new board be comprised of 11 citizens. In response to query by the Chairman, Mr. Harless confirmed that the original motion included the Supervisor of Elections as a non-voting member; and that his motion strikes all mention of the Supervisor and, essentially, the 12th member, leaving just the 11 citizens.

In response to queries by Mr. Steck and Ms. Caron, Mr. Harless indicated that the Supervisor of Elections Office would provide data to the new board when requested. In response to query by Mr. Pressman regarding funding for the new board, Mr. Harless surmised that Section C would apply: "*Expenses of the CRC shall be verified by a majority vote of the CRC and forwarded to the BCC for payment from the General Fund of the County. The Board of County Commissioners shall provide space, secretarial and staff assistance.* Attorney Vose indicated that he would do some research as he formalizes the language of the amendment. Discussion ensued regarding the fiscal impact, and Representative Ahern offered to take up the motion.

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

Upon call for the vote, the motion carried unanimously.

Referring to another element of the approved Charter amendment that was to be verified, Mr. Harless related that the Supervisor of Elections had advised him to eliminate the specific date of September 1, 2021, and replace it with a certain number of days; whereupon, he moved, seconded by Mr. Steck, that the Board must issue a final report, including a proposed map, or maps, within 180 days of the County formally receiving the U.S. Census data; and that the remainder of the amendment remain the same.

During discussion and in response to a comment by Mayor Bradbury, Mr. Harless confirmed that there would not be an overlap with the County Commission election.

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

Upon call for the vote, the motion carried by a vote of 11 to 2, with Commissioner Long and Ms. Bell casting the dissenting votes.

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Messrs. Shulman and Bardine left the meeting at 4:59 P.M., Representative Ahern left at 5:10 P.M., and Commissioner Long left at 5:14 P.M.

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DRAFT FINAL REPORT REVIEW

LANGUAGE FOR AMENDMENTS

Attorney Vose reviewed the requirements for ballot titles and summaries as outlined in the Florida Statutes, and indicated that the Courts have explained in numerous cases that a ballot question has to state the chief purpose of the amendment, called a "truth in packaging requirement," and has to adequately inform the voters of the broad scope of what is being accomplished, without necessarily going into detail; whereupon, he requested that as he reviews each amendment, the members evaluate the language in relation to the following considerations: (1) that the Charter language is implementing what the members intended to be implementing, and (2) that the summaries would be adequately clear to a reasonable voter.

Question #1 – Pinellas Charter Cleanup Amendment - Approved

Attorney Vose read the ballot title and summary and, following discussion, reviewed the actual text changes, including Section 2.04, Special Powers of the County; Section 2.07, Annexation; Section 3.01, Board of County Commissioners; and Section 5.02, Special Laws. Discussion ensued about possibly changing the wording in the summary to make it easier for the average citizen to understand, but it was determined that the language would remain as presented.

Noting that this is a procedural matter and there is no need for public comment, Chairman Olliver confirmed there is a quorum.

Thereupon, Mr. Harless moved, seconded by Ms. Bell, that the ballot language and the implementation of the textual provisions be approved.

Question #2 – County Commissioner Nomination of Charter Review Commission Members Residing in Commissioner's District – Approved as Amended

Attorney Vose read the ballot title and summary; whereupon, Mr. Sewell moved, seconded by Mr. Harless, that the ballot language be approved. Mr. Steck suggested that the title be amended to *Charter Review Commission Members Residence Requirements,* and Attorney Vose agreed to the title change, and the members concurred. Upon call for the vote, the motion carried unanimously.

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At this time, 5:36 P.M., Mayor Bradbury left the meeting.

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Question #3 – Oversight of County Attorney by Committee of County Commissioners and County Officers – Continued to Next Meeting

Chairman Olliver confirmed that there is a quorum.

Attorney Vose indicated that this Charter amendment relates to Clerk Burke's proposal relating to the County Attorney and brings the five Constitutional Officers into the process for selection, termination, and direction and control.

Attorney Vose related that he had earlier advised the CRC that the Clerk's proposal to have the County Attorney answerable to both the County Commissioners and the Constitutional Officers could be effectuated into the Charter, but on further reflection and research, he is concerned that the proposal could have unintended consequences. Noting that he has requested and reviewed the County's Conflict Policy, he stated that the provision might create some ethically untenable situations for the County Attorney should there be litigation between the County and the Constitutional Officers; that it could put the County Attorney in a compromise situation with the Florida Bar's *Rules of Professional Responsibility,* which the Courts enforce; and that the matter relating to the power of termination is also of concern, noting that he is not sure whether this could be a basis for the amendment to be struck from the ballot or could be found to be illegal if it was put in the Charter and challenged.

In response to queries by Clerk Burke, Attorney Vose stated that he had contacted the County Attorney's Office for the sole reason of obtaining a copy of the conflict policy, which he received; and that he spoke with Attorney Jewel White, who was very careful not to express any concerns she may have.

Clerk Burke stated that the Charter currently reflects that the County Attorney represents all the Constitutional Officers and the Board of County Commissioners, which, if the advice of Attorney Vose is correct, is where the ethical conflict takes place and is why there is the nine-page conflict policy document. He related that his understanding is that when a conflict arises between the BCC and the Constitutionals, the current remedy is to engage outside counsel.

Clerk Burke related that during the 21 years he worked with a law firm, he served three years on the Florida Bar Grievance Committee and handled ethical matters; and that he is very familiar with the Florida Bar Rules and supportive of the principles regarding ethics. He stated that he is of the opinion that the proposed amendment actually provides protection to the County Attorney's Office, as the Oversight Committee would ensure that a conflict policy is actually enforced; and that, currently, while there is a conflict agreement, the County Attorney's boss is the County Commission, which places a much stronger ethical dilemma on the County Attorney.

Clerk Burke suggested that there were two possible solutions: (1) completely remove the language from the Charter that the County Attorney represents the Constitutionals, and add a provision that the BCC shall fund the Constitutionals for their own representation, or (2) incorporate this amendment into the Charter. He related that without the amendment, which the CRC has already approved, the provision in the Charter that the County Attorney represents the Constitutionals is meaningless; as an entity must have the ability to hire or fire the attorney that represents it.

Clerk Burke reiterated that the Charter amendment has already been debated and approved, and the CRC policy is not to reconsider an item once it has been voted on; whereupon, he stated that this solution makes the current system work; and that not only does it not change the conflict agreement, but the Oversight Committee will ensure the agreement is honored.

Attorney Vose acknowledged that the CRC policy is not to reconsider an item once it has been voted on. He stated that since he answers to each of the members, he felt he should mention it; that he is relating a possible consequence that he had not brought up before; and that the matter is not necessarily illegal on its face; whereupon, he requested additional time to consider the matter.

During discussion, Mr. Harless indicated that both Attorney Vose and Clerk Burke have made salient points; that his problem with the Clerk's case is due to his concerns that the BCC has the ability to fire the County Attorney in the current Charter, but will lose that right under this Charter amendment; and that the amendment fundamentally changes the ability for the Constitutional Officers to seek retribution if there is a conflict; whereupon, he asked that the discussion be deferred until a full Commission is present.

Mr. Steck suggested adding language reading *when there is any legal conflict between members of the Committee, the County Attorney shall be prohibited from representing either side*; whereupon, Attorney Vose indicated that his concerns are that the conflict policy is not incorporated in the amendment; and that the Constitutional Officers would have the ability to fire the County Attorney at any time, even in the midst of bitter litigation.

Clerk Burke stated that the conflict policy has not been approved by the Constitutional Officers; and that the current situation is problematic. He related that one reason Pinellas County does not have the problems other counties do is that the County Attorney's Office represents both the BCC and the Constitutionals; and that the Constitutionals having their own attorneys would incite conflict with the BCC, which is costly and would upset the citizens.

Chairman Olliver directed that the discussion be continued until the next meeting; whereupon, in response to a request by Ms. Bell, Attorney Vose agreed to provide a copy of the County's Conflict Policy to all the members.

RECOMMENDATIONS – NOT DISCUSSED

FINAL REPORT FORMAT AND CONTENT

Ms. Meiller-Cook reported that the facilitation team, along with Attorney Vose, has started to put together the final Charter Review Commission Report; that the purpose of the report is to provide access for the BCC and the public to review the process and see how the final decisions were made; and that the report should accurately reflect what members want it to say, as they will be asked to sign it. She indicated that the appendix will include the minutes of the meetings and snapshots of the website, as well as content not pertinent to the referendum amendments; and that the report will be succinct and easy for anyone to follow.

In response to the concerns of Mr. Pressman regarding the cost of the report, Ms. Meiller-Cook indicated that she and Attorney Vose are working together to ensure that the total budget remains intact. Mr. Pressman and Ms. Caron indicated that they like the format, and the draft summaries seem to be accurate and unbiased. Chairman Olliver indicated that there would not be a White Paper; and, noting that the final report is a work in progress, asked the members to bring to the attention of the facilitator anything they find in the report that appears too adversarial or promotional.

DATES/TIME/LOCATION

Chairman Olliver announced that the CRC will meet at this location on May 4 and 18, and the two public hearings will be held at the St. Petersburg City Council Chamber on June 1 and in the County Commission Assembly Room in Clearwater on June 15.

REVIEW OF ACTION ITEMS

Chairman Olliver indicated that the next meeting's agenda would include the following topics:

- Continuation of the discussion regarding district percentages for citizen petitions.
- Fiscal impact of Charter amendments.
- Continuation of the review of the final report, including Clerk Burke's Charter amendment re the County Attorney and the Redistricting Advisory Committee.
- Format for the public hearings.
- Decide whether to remain constituted until after the election.

* * * *

At this time, 5:56 P.M., Mr. Pressman left the meeting.

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ADJOURNMENT

Upon motion by Mr. Sewell, seconded by Mr. Steck and carried unanimously, the meeting was adjourned at 5:57 P.M.

May 4, 2016

Largo, Florida, May 4, 2016

A meeting of the Pinellas County Charter Review Commission (CRC) (as created by Chapter 80-590, Laws of Florida) was held at the County Extension Services Center, Largo, Florida, on this date with the following members in attendance:

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

Also Present
Wade Vose, Vose Law Firm, General Counsel
Diane Meiller-Cook, Diane Meiller & Associates, Inc. (DM&A), Facilitator
Flo Sena, DM&A
Mary Scott Hardwick, Pinellas County Intergovernmental Liaison
Other Interested Individuals
Lynn M. Abbott, Board Reporter, Deputy Clerk
(Minutes by Helen Groves)

AGENDA

1. Call to Order (CRC Chairman)

2. Public Comment on Items on this Agenda (CRC Chairman)

3. Approval of Minutes – April 20, 2016 Meeting (CRC Chairman)

4. Charter Amendment Topics
   a. Amendments via Citizen Petitions (DM&A)
   b. Fiscal Impact Study (DM&A)

5. Draft Final Report Review
    a. Status/Recap (DM&A)
    b. Language for Amendments (Vose)
        1. Oversight of County Attorney
        2. Redistricting Advisory Committee
    c. Final Report

6. Dates/Time/Location (CRC Chairman)
    a. CRC Remaining Constituted
    b. Format of Public Hearings

7. Review of Action Items (CRC Chairman)

8. Adjournment (CRC Chairman)

CALL TO ORDER

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

PUBLIC COMMENT – NONE

MINUTES OF APRIL 20, 2016 MEETING – APPROVED

Upon presentation by Chairman Olliver, Mr. Sewell moved, seconded by Mr. Steck and carried unanimously, that the minutes of the meeting of April 20, 2016 be approved.

* * * *

Commissioner Long and Mayor Bradbury entered the meeting at 3:33 and 3:39 P.M., respectively.

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CHARTER AMENDMENT TOPICS

AMENDMENTS VIA CITIZEN PETITIONS - CHANGES IN COUNTY COMMISSION DISTRICT REQUIREMENTS FOR SIGNATURES DENIED

Ms. Meiller-Cook indicated that at the last meeting, the CRC approved changing the signature requirement for Charter amendments via citizen petitions to eight percent and the number of days to gather the signatures to 240; that the issue regarding changing the County Commission district

requirements for the signatures was continued to this meeting; and that the three options for both the at-large and single-member districts are:

- Remove the restriction
- Change the percentage for the restriction
- No change from the current position

Ms. Meiller-Cook indicated that the petition issue was brought forward by the citizens; that the Supervisor of Elections has indicated that her office follows the State requirement for the retention of data, which is one year; and that there is no historical information in her files regarding petitions generated by the citizens.

Following discussion, Clerk Burke moved, seconded by Mr. Steck, that the 40-percent requirement in the at-large districts be dropped; and that the 30-percent requirement be retained in each single-member district, keeping the current wording.

In response to query by Mr. Pressman, Clerk Burke clarified that the motion is to keep the 30-percent requirement on each of the single-member districts, which encompasses the whole county; whereupon, Mr. Pressman opined that the 40-percent restriction should remain, as there needs to be a very high threshold to put an amendment on the ballot, and Commissioner Long concurred. During discussion and in response to queries by Commissioner Long, Attorney Vose related that he did not ask the County Attorney for background information on the district requirements; whereupon, Commissioner Long recommended that the Commission obtain the information before it changes the Charter.

In response to the Chairman's call for citizens wishing to be heard, Freddie Ferro, St. Petersburg, appeared and asked the members to respect the wishes of the people.

Upon the Chairman's call for a vote, Mr. Steck reiterated that the Commission needs the historical information before it votes; whereupon, Mr. Pressman called the question.

Thereupon, upon call for the vote, the motion was defeated 10 to 3, with Mr. Steck, Representative Ahern, and Clerk Burke casting affirmative votes.

During discussion, Commissioner Long withdrew her recommendation that the matter not be voted upon until historical information can be gathered; whereupon, the members confirmed that the issue is resolved.

FISCAL IMPACT STUDY – APPROVED; LANGUAGE TO BE AS IN BROWARD COUNTY CHARTER

Noting that the issue is whether the Charter should be amended to require a study of the fiscal impact of a proposed Charter amendment, Ms. Meiller-Cook reviewed a chart titled *County Charters with Financial Impact Analysis Specified.* Noting that the City of Pinellas Park requires a dollar amount be included for all agenda items, Mayor Bradbury indicated that she liked the wording in the Seminole County Charter. Commissioner Long concurred; whereupon, she moved, seconded by Mr. Sewell, that Pinellas County use the Seminole County language, as shown in the agenda memorandum, in its Charter.

Noting that the Seminole County Charter is unique in that it does not directly require a fiscal impact statement, Attorney Vose provided an overview of the language of the various charters, noting that some things to keep in mind are whether an analysis is needed, who is authorized and/or required to provide the analysis, and whether a summary of the analysis is included on the ballot. Discussion ensued wherein Mr. Pressman indicated that he would prefer that a fiscal impact statement be mandatory.

Commissioner Long amended her motion to include the language "the Board of County Commissioners shall provide by County ordinance that a statement is required."

Noting that an argument could as easily be made for a societal or a cultural impact study, Mr. Shulman expressed concern that requiring a fiscal impact study highlights the financial aspect of a Charter amendment and makes it a determining, deciding factor as opposed to allowing citizens to decide on its merits, and Mr. Harless concurred, stating that fiscal impacts can often be used as a scare tactic against government taking action on something that needs to be done. Mayor Bradbury argued that it is the due diligence of elected officials to inform the public of the cost, and Representative Ahern concurred, noting that it is especially important for big ticket items.

Commissioner Long and the seconder accepted the friendly amendment of Mr. Pressman to substitute the Broward County Charter language for the Seminole language, making the fiscal impact statement a requirement. Attorney Vose provided legal clarification regarding the 75-word summary; and Mr. Steck pointed out that the Broward amendment allows the 75 words to establish the amendment itself and an additional 75 words to describe the fiscal impact.

During discussion, Mr. Harless expressed concern that the amendment would change all future Charter amendments; whereupon, Chairman Olliver urged that the members be sure they are comfortable with every word in the document.

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

Upon call for the vote, the motion carried 10 to 3, with Messrs. Shulman, Bardine, and Harless casting the dissenting votes.

DRAFT FINAL REPORT REVIEW

STATUS RECAP

Ms. Meiller-Cook reported that the following proposed Charter amendments have been approved:

- Charter Cleanup
- CRC Membership Residency
- Oversight of the County Attorney
- Redistricting Advisory Board
- Citizen Initiatives

LANGUAGE FOR AMENDMENTS

Oversight of County Attorney – Amendment Language Approved

Attorney Vose reviewed the amendment language and indicated that the revised language fulfils the intention of the amendment but addresses the concerns he brought out at the last meeting regarding the County Attorney being accountable to the County Attorney Oversight Committee, consisting of the seven County Commissioners and five Constitutional Officers; whereupon, noting that the concept of the amendment has been approved and only the language is under consideration, Clerk Burke moved, seconded by Mr. Sewell, that the wording submitted by Attorney Vose be approved.

Mr. Pressman, with input by Mr. Steck, recommended that the wording more clearly declare that the Oversight Committee is responsible for the hiring and firing of the County Attorney, but that he is directly responsible to the Board of County Commissioners (BCC); whereupon, Commission Long clarified that the BCC does not manage the County Attorney on a daily basis and expressed concern about the fiscal impact and conflicts of interest that might arise, and discussion ensued.

* * * *

At this time 4:34 P.M., Mr. Pressman left the meeting.

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In response to query by Commissioner Long, Clerk Burke indicated that the Constitutionals each have their list of requirements in terms of what they are looking for in an attorney and would expect the County Attorney to respond to each as he represents the Constitutionals individually, as per the Charter; that the County Attorney has a conflict of interest policy, but the Constitutionals do not; and that while the Sheriff has his own in-house counsel, the County Attorney represents him on a majority of issues; whereupon, he confirmed that the amendment delineates that the Constitutional Officers would be involved with the hiring, firing, and the annual reviews of the County Attorney. In response to query by Ms. Bell, Ms. Caron confirmed that Mr. Pressman's concern regarding the County Attorney being directly responsible to the BCC is addressed in the language.

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

Upon call for the vote, the motion carried 10 to 2, with Ms. Bell and Commissioner Long casting the dissenting votes.

Redistricting Advisory Committee – Amendment Language Approved with a Friendly Amendment

Attorney Vose read the ballot title and summary for "Creation of County Redistricting Board" from his Memorandum dated May 2, 2016 – Subject: Draft of Ballot and Charter Language for County Redistricting Board Charter Amendment, which has been filed and made a part of the record, noting that the title of the proposed board differs from the title shown on the agenda. He reviewed the proposed language for Section 3.04 – Redistricting, and indicated that, basically, the language in items B and C is the same as was used when the CRC was created, including requiring the BCC to provide space and secretarial and staff assistance; and that throughout the document, the language is crafted per the Florida Constitution where appropriate. He pointed out that per the language in item E, the conditions outlined in item D are mandatory on the new board, but not on the BCC; and Mr. Harless noted that the CRC has specific authority to hire its own staff, noting that item C reads *expenses shall be voted on by a majority*.

During discussion, Representative Ahern reiterated the argument he made in an earlier meeting that the County Commissioners, the ones most affected by redistricting, would be the ones appointing the members, which was refuted by Commissioner Long, Mayor Bradbury, Ms. Bell, and Clerk Burke. Chairman Olliver commented that Representative Ahern's concerns and the rebuttal were heard before the amendment was approved.

Thereupon, Mr. Sewell moved, seconded by Mr. Harless, that the language be approved as written.

During discussion, Commissioner Long explained how the BCC selects members for various committees and boards, and related that the process has recently changed so that each opening is listed on the website, and the BCC as a whole makes the selection from the applications. In response to query by Mr. Shulman, Attorney Vose confirmed that the language four County Commission Districts and three At-Large County Commission Districts referenced in item D is legally clear. Mr. Steck pointed out that the BCC is not required to accept the recommendation of the Redistricting Board, and asked that a clause be added that if the BCC does reject the recommendation, it be required to explain the rejection.

Stating that this item is a prime example of the fiscal impact that actions taken by the CRC can have, Mayor Bradbury recommended incorporating into each amendment how much it would cost the citizens. Attorney Vose indicated that adding the cost, absent an expressed directive in the Charter, could potentially get into the area of persuasive language; and that, as a practical matter, if the CRC does decide to put the fiscal impact statements into the amendments, staff needs to get that directive immediately, as he, and probably DM&A, would not be qualified to do the cost analysis; whereupon, Mr. Shulman cautioned that even though this Body has decided to put an amendment on the ballot to include fiscal impact statements, the voters have not yet decided whether they want it and may very well vote it down as it could have a chilling and persuasive effect.

* * * *

At this time 5:10 P.M., Mr. Shulman left the meeting.

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Thereupon, Chairman Olliver pointed out that the CRC has already approved the amendment, and expressed concern about re-litigating issues and changing the substance of what has already been decided. In response to Mayor Bradbury's earlier comment that the members had approved including the three percent district population figure used by the Planning Department, he related that the meaning has been changed by the attorney since the vote was taken, and a discussion on the change would be appropriate. Mr. Harless indicated that he is satisfied with changing the three percent figure to the "as practicable" clause, and does not consider it an effort to change the policy. Mayor Bradbury explained why she would prefer the three percent figure to be included in the language. Attorney Vose reviewed why he made the change, indicating that it would be more favorable to cities such as Pinellas Park; whereupon, in response to query by the Chairman as to whether she would like to add a friendly amendment, Mayor Bradbury indicated her acceptance of the change.

Mr. Sewell offered a friendly amendment, seconded by Mr. Harless, that language be added similar to "Technical assistance may be provided by the Supervisor of Elections as necessary," and Attorney Vose agreed that it would provide clarity for the new board members; whereupon, following discussion, the maker and the seconder of the motion agreed to accept the friendly amendment.

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

Clerk Burke confirmed with Attorney Vose that the item is subject to a majority vote.

Thereupon, upon call for the vote, the motion and the friendly amendment carried 10 to 1, with Commissioner Long casting the dissenting vote.

Initiative Petition (Not on Agenda) – Amendment Language Approved

Attorney Vose read the ballot title and summary for the Initiative Petition, noting that it concerns lowering the signature percentage and expanding the time period for a citizen initiative; and that all the instances have been changed to reflect the eight-percent signature requirement of registered voters and the 240-day time limit to gather the signatures.

Thereupon, Clerk Burke moved, seconded by Mr. Sewell, that the ballot language be approved.

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

Upon call for the vote, the motion carried unanimously.

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At this time 5:29 P.M., Mayor Bradbury, Chairman Olliver, and Mr. Sewell left the meeting and Vice-Chairman Steck assumed the gavel.

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FINAL REPORT - DISCUSSED

Ms. Meiller-Cook, with input by Attorney Vose and Vice-Chairman Steck, reviewed the latest draft of the Final Report, pointed out recent changes, and answered queries by the members.

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At this time 5:31 P.M., Chairman Olliver and Mr. Sewell returned to the meeting and Chairman Olliver re-assumed the gavel.

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Chairman Olliver asked the members to carefully peruse the document and bring any concerns to the attention of the DM&A staff or Attorney Vose.

DATES/TIME/LOCATION

CRC TO REMAIN CONSTITUTED

Upon presentation by Chairman Olliver, Mr. Steck moved, seconded by Mr. Sewell and carried unanimously, that the CRC remain constituted until after the election.

FORMAT OF PUBLIC HEARINGS - APPROVED

Chairman Olliver noted a consensus for the format of the public hearings as outlined in the agenda memorandum, noting that the meetings would start at 6:00 P.M. and the members would remain as long as there were public comments.

REVIEW OF ACTION ITEMS

Chairman Olliver indicated that the next meeting would be held May 18; that the Charter language for the fiscal impact study would be discussed; and that an updated draft of the final report would be reviewed. In response to query by Clerk Burke, Chairman Olliver indicated that action would be taken on the Final Report at the end of the last public hearing.

MISCELLANEOUS

Ms. Caron commented for the record that she follows the County on Facebook and filled out and submitted an application to serve on the CRC; that she is a "regular" citizen and has no ties or relationship with anyone on the BCC; that although she was appointed by Commissioner Seel, she has never met her; and that she finds it discouraging to hear comments that the CRC is trying to circumvent the will of Pinellas County citizens.

ADJOURNMENT

Upon motion by Mr. Steck, seconded by Ms. Caron and carried unanimously, the meeting was adjourned at 5:43 P.M.

May 18, 2016

Appendix L

Considerations for Future CRC Process and Training

As each Charter Review Commission is composed of members who may have had no prior experience with a charter review or with any governmental commission, there are several activities which could help bring the members up to speed more quickly and to make the meetings more efficient.

1. Conduct a session on the laws associated with commissions and committees created by formal action of governing body- Sunshine Law (Section 286.011 of Florida Statutes) and Public Records Law (Chapter 119 of Florida Statutes).
2. Provide an overview on Robert's Rules of Order.
3. Conduct a session on expectations of members of the Charter Review Commission, including discussion of time commitment, meeting attendance, and meeting preparedness.
4. Conduct an overview of the Pinellas County Charter and a comparison of elements of the charters of all Florida charter counties' charters.
5. Develop operating rules for the specific commission. Appendices C & D are examples of the operating rules developed by the 2015-2016 Charter Review Commission.
6. Prior to each CRC session, conduct a pre-meeting session composed of the Chairman, Legal Counsel, Facilitator, and the Government Liaison. This would be for the purpose of discussing logistics.
7. Perform a periodic review of the financial status of the project. The CRC is allotted an operating budget from the Board of County Commissioners, and it is important to adhere as closely to the budget as possible.
8. Develop a communication plan as a guide to ensure active communication with the Public regarding the CRC process, the list of issues and their status, meeting locations, agendas, meeting minutes and an opportunity for members of the Public to present topics of interest.