

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.

January 20, 2016

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.

DUAL VOTE (#2) – REMOVED FROM LIST

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

January 20, 2016

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.

January 20, 2016

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

January 20, 2016

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.