

**CITY OF PINELLAS PARK, FLORIDA
2019 CHARTER REVIEW COMMITTEE
REPORT TO THE CITY COUNCIL**

Pursuant to Resolution No. 19-01 of the City of Pinellas Park, Florida, enacted January 10, 2019, a Charter Review Committee was appointed, consisting of the following members:

Carrie Esposito
Stuart N. Hoff
Neil E. Kummerer, Jr.
Ralph Marlow
Scott McPherson
Dennis Shelley
Alan Swartz

Such committee held its initial meeting on March 19, 2019, at which time Mr. Alan Swartz was elected as Chairman of the committee.

Such committee also met on the following dates:

April 1, 2019
April 17, 2019
May 1, 2019
May 15, 2019
May 29, 2019
June 11, 2019

All meetings of the Charter Review Committee were held as noticed public meetings, as noticed by the City Clerk of Pinellas Park. City Clerk Diane Corna and members of her office served to document the meetings of the Charter Review Committee, take Minutes, and provide Agendas and backup materials for each meeting. City Attorney James W. Denhardt and Assistant City Attorney Lauren Christ Rubenstein provided legal counsel to the Charter Review Committee, and attended the meetings of the Charter Review Committee.

The meetings of the Charter Review Committee on May 15, 2019 and May 29, 2019, were held as advertised, public hearings, in order to give the public the opportunity to provide input as to any proposed amendments to the Charter of the City of Pinellas Park. Both such hearings were duly advertised and noticed by the City Clerk's Office.

All meetings of the Charter Review Committee were well attended by the members of the Charter Review Committee, and all members participated in the discussions and recommendations of the committee. Discussions were held on all proposals for possible amendments to the Charter of the City of Pinellas Park and a consensus was reached and voted on by a majority of the members of the Charter Review Committee as to each of the proposals recommended to the City Council.

The proposals recommended, in the form in which proposals are suggested to be submitted on the ballot to the electorate, if concurred in by City Council, are as follows:

CHARTER AMENDMENT NO. 1

An Amendment to the Charter as to the Time of Elected Officials Taking Office

Shall Sec. CC-301, Sec. CC-303 and Sec. CC-304 of the Charter of the City of Pinellas Park, Florida, pertaining to the election and terms of the Mayor and City Council Members be amended as provided in Ordinance No. xxxx, to bring such provisions in accordance with the current provisions of the Florida Statutes?

Yes

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No

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Proposed Language for Ordinance

Sec. CC-301. - City council; powers and composition.

There shall be a City Council with all legislative powers of the City vested therein, composed of Council members occupying seats numbered one (1) through four (4) inclusive, and a Mayor. All members of the City Council, including the Mayor, shall be elected at large by the qualified voters of the City of Pinellas Park.

The terms of all members of Council, including the Mayor, will begin ~~on~~at the ~~Monday next following their election~~ next regular meeting of City Council following the certification of the election of Council members under this Charter, and shall continue until after their successor has been duly elected and installed under this Charter. All vacancies occurring in the Council between elections shall be filled in accordance with Section CC-306(B) of this Charter.

Sec. CC-303. Election and terms.

The regular election of the Mayor and members of City Council shall be held ~~on the first Tuesday of March~~ as scheduled by the City Council by Resolution in every even-numbered year, in the manner provided in Article VI of this Charter. The term of office for the Mayor shall be two (2) years. The term of office for each of the remaining members of City Council shall be for four (4) years. ~~On the second Tuesday of March~~ At the next

regular meeting of City Council following the certification of the election of Council members under this Charter, the newly elected members of the Council shall meet ~~at 7:30~~ at City Hall and shall organize as provided herein.

Sec. CC-304. - Mayor and Vice-Mayor.

The Mayor shall preside at meetings of the Council, shall be recognized as head of City government for all ceremonial purposes, by the governor for purposes of military law, for service of process, and as the City official designated to represent the City in all agreements with other entities or certifications to other government entities, but shall have no administrative duties except as required to carry out the responsibilities herein.

At the first Regular Council Meeting after the certification of the City Election, and at the second Regular Council Meeting of March in non-City election years, the Council shall elect from among its members a Vice-Mayor. The term of Vice-Mayor shall be for one (1) year. The Vice-Mayor shall act as Mayor during the absence or disability of the Mayor. Should the Vice-Mayor be required to act as Mayor for a period in excess of thirty (30) days, he/she shall receive the compensation of the Mayor retroactive to the date upon which he/she assumed the Mayoral duties.

Salary of council members. Changes in the salaries of the City Council Members shall be established by Ordinance. All members of the City Council, including the Mayor, may be reimbursed for any extraordinary travel and other expenses incurred in connection with their official duties inside or outside the limits of Pinellas County. The Council Members shall be eligible to participate in all benefits available to any full-time employee.

CHARTER AMENDMENT NO. 2

An Amendment to Sec. CC-301 of the Charter of the City of Pinellas Park

Shall Sec. CC-301 of the Charter of the City of Pinellas Park, Florida, be amended as provided for in Ordinance No. xxxx, to divide the City into four election districts and to provide that each person qualifying to run for City Council shall qualify to run for and represent one of such election districts, but that such individual shall not be required to reside in such district?

Yes

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No

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Proposed Language for Ordinance

Sec. CC-301. - City council; powers and composition.

There shall be a City Council with all legislative powers of the City vested therein. The City shall be divided into four (4) Districts as determined and adjusted from time to time by the City Council so that each District is comprised of a relatively equal number of residents. The City Council shall be composed of Council members occupying seats numbered one (1) through four (4) inclusive, with each seat corresponding to one of the election districts, and a Mayor. Each person qualifying to run for one of the four Council seats shall designate which of the four Districts to run for and represent if elected, and shall run for election to represent such District, against all other candidates that qualify to run to represent such District. All members of the City Council, including the Mayor, shall be elected at large by the qualified voters of the City of Pinellas Park.

The terms of all members of Council, including the Mayor, will begin on the Monday next following their election, and shall continue until after their successor has been duly elected and installed under this Charter. All vacancies occurring in the Council between elections shall be filled in accordance with Section CC-306(B) of this Charter.

CHARTER AMENDMENT NO. 3

An Amendment to Sec. CC-303 of the Charter of the City of Pinellas Park

Shall Sec. CC-303 of the Charter of the City of Pinellas Park, Florida, be amended as provided for in Ordinance No. xxxx, to provide that no person shall be eligible to hold the office of Mayor for more than two consecutive terms and no person shall be eligible to hold office as a Councilperson for more than two consecutive terms, with such provision to be prospective, and not retroactive?

Yes

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No

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Proposed Language for Ordinance

Sec. CC-303. Election and terms.

The regular election of the Mayor and members of City Council shall be held on the first Tuesday of March in every even-numbered year, in the manner provided in Article VI of this Charter. The term of office for the Mayor shall be two (2) years. The term of office for each of the remaining members of City Council shall be for four (4) years. No person shall be eligible to hold the office of Mayor for more than two (2) consecutive terms, and no person shall be eligible to hold office as a Council person for more than two (2) consecutive terms. On the second Tuesday of March following the election of Council members under this Charter, the newly elected members of the Council shall meet at 7:30 p.m. at City Hall and shall organize as provided herein. The provisions herein shall operate prospectively as to any elective terms commencing after the effective date of the adoption of this provision of the Charter.

CHARTER AMENDMENT NO. 4

An Amendment to Sec. CC-303 of the Charter of the City of Pinellas Park Pertaining to Terms

Shall Sec. CC-303 of the Charter of the City of Pinellas Park, Florida, be amended as set forth in Ordinance No. xxxx, to provide maximum consecutive terms as both Mayor and Councilperson of twelve (12) consecutive years, not to include any terms or portions of terms prior to the effective date of this amendment?

Yes

No

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Proposed Language for Ordinance

Sec. CC-303. Election and terms.

The regular election of the Mayor and members of City Council shall be held on the first Tuesday of March in every even-numbered year, in the manner provided in Article VI of this Charter. The term of office for the Mayor shall be two (2) years. The term of office for each of the remaining members of City Council shall be for four (4) years. No person shall be eligible to serve for more than twelve (12) consecutive elective years in the capacity of Mayor or member of City Council. On the second Tuesday of March following the election of Council members under this Charter, the newly elected members of the Council shall meet at 7:30 p.m. at City Hall and shall organize as provided herein. The provisions herein shall operate prospectively as to any elective terms commencing after the effective date of the adoption of this provision of the Charter.

CHARTER AMENDMENT NO. 5

An Amendment to Sec. CC-307 of the Charter of the City of Pinellas Park

Shall Sec. CC-307 of the Charter of the City of Pinellas Park, Florida, be amended as set forth in Ordinance No. xxxx, to provide that the City Clerk shall report directly to the City Council, who shall set his or her salary, with all other employees of the City Clerk's Office being subject to the City's personnel rules and regulations?

Yes

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No

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Sec. CC-307. City Clerk, duties, supervision, conditions of employment, removal.

(A) City Clerk. The City Clerk shall be appointed by a majority vote of the total members that constitute the City Council. He or she shall be subject to the Administrative control and direction of City Council, and not of the City Manager.

(B) Duties. The City Clerk shall have the following duties:

1. Supervise and be responsible for all aspects of Municipal Elections.
2. Prepare and safeguard minutes of all City Council meetings.
3. Maintain and safeguard all City documents and records, which are under the control of the City Clerk.
4. Supervise and be responsible for City's legal advertising and notices.
5. Such other duties as the City Clerk may now be performing.
6. Such other and further duties as City Council may from time to time direct by Resolution, Ordinance or as required by law.

(C) Supervision. The City Clerk shall have the power to employ such other employees, including a Deputy City Clerk, as may be necessary to assist the City Clerk in the proper performance of his or her duties. All such employees shall be under the day-to-day control and supervision of the City Clerk.

(D) Conditions of employment. Conditions of employment of the City Clerk and ~~all employees under his or her supervision and control~~, including but not limited to salary,

benefits and any other policy matters or directions not in conflict with this Charter shall be established from time to time by City Council by Resolution or Ordinance.

(E) Removal. The City Clerk shall serve at the pleasure of the City Council, and may be suspended or removed at any time by a majority vote of the total members that constitute the City Council.

(F) Compensation. The compensation of the City Clerk shall be fixed by City Council.

The proposal submitted in Charter Amendment No. 1 was deemed by the Committee to be advisable to amend the Charter to bring such Charter provisions in accordance with State law. It was discussed that with additional requirements that have now been enacted in State law providing for the processing of overseas absentee ballots, provisional ballots, etc., coupled with the fact that the Pinellas County Supervisor of Elections Office now serves as the Canvassing Board for the City, candidates cannot always be sworn in as quickly after the election as in the past. It is believed that these amendments would make the Charter mesh with what actually happens in practice now, as a result of the current provisions of the Florida Statutes.

As to proposed Charter Amendment No. 2, the members of the Charter Review Committee felt it advisable to have election districts with candidates being required to qualify to run for a particular election district, but not being required to live in such district. The Committee felt that having a candidate being responsible for a particular election district would provide for better representation of all sections of the City.

The members of the Committee discussed proposed Charter Amendments No. 3 and No. 4 in conjunction with each other. It was the consensus of the Committee that providing term limits of a maximum of two terms as either Mayor or a Councilperson would provide for more turnover on Council. In Charter Amendment No. 4, the Committee felt that no person should be able to serve for more than 12 consecutive years as a combination of being elected as Mayor or a Councilperson.

The Charter Review Committee considered and discussed the position of City Clerk, and personnel in the City Clerk's Office, and considered and discussed alternatives as to whether the City Clerk should report directly to City Council, report directly to the City Manager, or report and be responsible directly to the City Council but be under the day-to-day supervision of the City Manager. The Charter Review Committee also considered and discussed whether employees in the City Clerk's Office, other than the City Clerk, should be treated equally with other employees of the City under the City's personnel rules, and particularly as to raises, step increases and salary. The Charter Review Committee heard presentations by City Clerk Diane Corna, City Manager Douglas Lewis and City Human Relations Administrator Lisa Hendrickson. The conclusion of the Charter Review Committee was to recommend Charter Amendment No. 5, leaving the City Clerk as reporting directly to the City Council and with the City Council to set and establish the salary of the City Clerk, but to provide that other employees in the City Clerk's Office shall receive salary and benefits pursuant to the City's established personnel rules.

Respectfully submitted by the City of Pinellas
Park 2019 Charter Review Committee,



By: Alan Swartz, Chairman