

>>PAT BEAN: I FAILED TO REMEMBER THAT COMMISSIONER BLAIR HAD ASKED FOR A POINT OF PERSONAL PRIVILEGE, AND YOU HAD ASKED HIM TO WAIT UNTIL THE END.

>>JIM NORMAN: COMMISSIONER BLAIR.

>>BRIAN BLAIR: CAN WE CALL THE FULL BOARD BACK? I THINK THEY'VE LEFT.

OKAY.

BOARD MEMBERS, THIS ISSUE CONCERNS A LETTER THAT WE JUST RECEIVED.

YOU KNOW, OUR CHARTER CURRENTLY STATES THAT THE AMENDMENTS -- OUR AMENDMENTS ARE APPROVED BY A SIMPLE MAJORITY VOTE, AND AS YOU KNOW, THE LEGISLATURE OVERWHELMINGLY REQUIRED A 60% VOTE FOR A CONSTITUTIONAL AMENDMENTS, INSTEAD OF A SIMPLE MAJORITY. THEREFORE, I'D LIKE THE BOARD -- THE BOARD TO DIRECT THE COUNTY ATTORNEY TO BRING BACK A PROPOSAL -- ORDINANCE WHICH WOULD PROPOSE AN AMENDMENT TO THE COUNTY CHARTER REQUIRING A 60% VOTER APPROVAL TO AMEND THE CHARTER, AND I WOULD ALSO LIKE THE COUNTY ATTORNEY TO SCHEDULE A PUBLIC HEARING ON THE MATTER. IT'LL ONLY TAKE FOUR VOTES TODAY TO GET THIS ISSUE REFERRED AND THE PUBLIC HEARING SET, BUT THEN IT WOULD TAKE FIVE VOTES TO PASS.

AND THE REASON THIS IS FAIR IS IF OUR CHARTER REVIEW BOARD, WHICH MEETS EVERY FIVE YEARS, IT TAKES TWO-THIRDS TO CHANGE OUR CHARTER, SO BASICALLY, WHAT WE'RE DOING IS BEING CONSISTENT. CONSISTENCY IS REALLY THE FOUNDATION OF DEMOCRACY.

>>JIM NORMAN: I CAN BE OVERRULED, BUT COMMISSIONER, THAT SHOULD BE ON OUR AGENDA FOR ALL THE PUBLIC TO KNOW WE'RE TAKING THAT UP, EVEN TO REFER IT.

I CAN BE OVERRULED, BUT THAT'S A VERY HOT POLITICAL POTATO, AND YOU-ALL CAN VOTE TO DO THAT AND THAT'S YOUR RIGHT TO MAKE A MOTION TO DO SO.

>>AL HIGGINBOTHAM: I'M NOT FAMILIAR WITH THE LETTER, BUT APPARENTLY IT WAS SOMETHING THAT WAS SENT TO ALL COMMISSIONERS?

>>BRIAN BLAIR: YEAH.

>>AL HIGGINBOTHAM: I HAVEN'T SEEN IT.

>>JIM NORMAN: COMMISSIONER HAGAN.

>>KEN HAGAN: WHAT ARE THE TIME -- ARE THERE ANY TIME CONSTRAINTS ON THIS AS FAR AS BRINGING THIS BACK OR --

>>RENEE LEE: COMMISSIONER, WE DO -- PROBABLY THE BIGGEST TIMELINE THAT WE ARE CONCERNED ABOUT, IF YOU WANT TO GET IT ON THE JANUARY BALLOT, THE BIGGEST TIMELINE WOULD BE THE REVIEW BY THE DEPARTMENT OF JUSTICE.

THAT'S ESTIMATED TO TAKE ABOUT 60 DAYS.

WE'LL ALSO NEED SOME TIME TO BRING IT TO THE BOARD TO SET IT FOR PUBLIC HEARING, THAT'S ONE MEETING, AND THEN TO HAVE THE PUBLIC HEARING WOULD BE A SECOND MEETING.

SO WE'RE LOOKING AT MID-DECEMBER AT THE VERY LATEST, THE DECEMBER MEETING AT THE VERY LATEST FOR THE BOARD TO ADDRESS THIS.

>>KEN HAGAN: DO WE HAVE THE LUXURY -- I DON'T WANT TO SAY THE WORD LUXURY -- BUT DO WE HAVE THE TIME TO -- TO DO WHAT COMMISSIONER NORMAN IS SUGGESTING, TO WAIT TO AGENDA IT AND --

>>RENEE LEE: MARY HELEN, IF YOU'LL ADDRESS --

>>BRIAN BLAIR: THERE'S GOING TO BE A PUBLIC HEARING ANYWAY.

>> GOOD AFTERNOON, COMMISSIONERS.

MARY HELEN FERRIS WITH THE COUNTY ATTORNEY'S OFFICE.

I DID PREPARE A TIMELINE.

THEY WON'T START THE PRECLEARANCE UNTIL AFTER WE ADOPT THE ORDINANCE.

THE SCHEDULE I LOOKED AT IS THE DAY YOU CAN REFER IT TO MY

OFFICE.

IT WILL COME BACK AT THE NEXT BOARD MEETING WITH A DRAFT, AND THEN IT WILL COME TO ANOTHER BOARD MEETING FOR A PUBLIC HEARING. SO IT WOULD COME BACK TWO TIMES, FIRST WITH THE DRAFT OF THE ORDINANCE AT A BOARD MEETING AND THEN ANOTHER TIME FOR A PUBLIC HEARING, AND THEN THAT WOULD GIVE US A TIMELINE. BUT IT'S NOT ONLY THE 60 DAYS JUSTICE, BUT WE HAVE TO GET THE ORDINANCE ADOPTED AND IT HAS TO BE NOTICED.

SO IF WE BRING BACK AT THE NEXT BOARD MEETING WITH A PROPOSED DRAFT THAT CAN BE DISCUSSED AND THEN SET IT FOR PUBLIC HEARING AT A SUBSEQUENT BOARD MEETING, IT WOULD COME BACK TWO TIMES, THE SECOND TIME BEING THE PUBLIC HEARING.

>>KEN HAGAN: IF COMMISSIONER BLAIR'S MOTION IS JUST TO REFER IT OVER AND THERE WILL BE TWO MEETINGS, THAT'S PLENTY OF TIME, I THINK, FOR THE PUBLIC TO WEIGH IN IN A PUBLIC HEARING, I HAVE NO PROBLEM IN SECONDED THAT MOTION.

>>JIM NORMAN: COMMISSIONER FERLITA.

>>ROSE FERLITA: MR. CHAIRMAN, THANK YOU.

I DON'T REALLY HAVE A PREFERENCE AS TO WHEN WE DO THIS OR WE DON'T DO THIS.

MR. HIGGINBOTHAM, YOU DIDN'T GET THIS MEMO?

>>AL HIGGINBOTHAM: NO.

>>ROSE FERLITA: IT WAS DELIVERED UNDER OUR DOOR, PUSHED UNDER OUR DOOR LAST FRIDAY.

THAT'S WHY YOU MAY OR MAY NOT HAVE SEEN IT.

ONCE I SAW THAT FROM MR. CHILLURA, I ANTICIPATED IT WOULD COME UP.

AGAIN, I DON'T HAVE A PROBLEM WITH IT GOING FORWARD.

I'M NOT GOING TO SUPPORT IT NOW OR WHEN IT COMES BACK SIMPLY BECAUSE ALTHOUGH I UNDERSTAND WHERE MR. BEAR IS GOING AND THE 60% CONSTITUTIONAL AMENDMENT REQUIREMENT THAT THE STATE HAS PUT OUT THERE SOMEWHAT VALIDATES HIS DESIRE TO FOLLOW THE SAME CRITERIA, BUT IN TERMS OF MY POSITION -- AND IT'S BEEN THE SAME NOW OR BEFORE I CAMPAIGNED OR WHENEVER -- 50% PLUS ONE TELLS ME WHAT THE MAJORITY OF THE CONSTITUENTS WANT.

IF THEY LIKE WHAT IS BEING REPRESENTED FOR THEM UP HERE, THEY'LL CHOOSE NOT TO PICK THE MAYOR.

IF THEY DON'T LIKE THE REPRESENTATION, THEY MIGHT LOOK AT SOMETHING ELSE.

I DON'T SEE THE NEED TO LOOK AT THAT.

MANY TIMES WE MIRROR IMAGE WHAT HAPPENS AT THE STATE, AND SOMETIMES WE DON'T.

SO THAT BEING SAID, I WON'T SUPPORT THE MOTION FOR THOSE REASONS.

THAT'S WHY I WANT TO PUT IT ON THE RECORD.

THANKS FOR YOUR EXPLANATION, BY THE WAY.

>>JIM NORMAN: TO ME, DOING IT LIKE THIS, IT WASN'T ON THE AGENDA, AND IT LOOKS LIKE WE ARE TO FEND OFF -- AND IT WOULD BE PERCEIVED THAT WE ARE TRY TO GO FEND OFF THE COUNTY MAYOR ISSUE BY RAISING THE STAKES HIGHER WHERE WE DON'T -- DON'T HAVE A COUNTY MAYOR, SO IT LOOKS LIKE SELF-SERVING.

IF YOU MADE THE MOTION TO SAY REFER IT OVER FOR ALL ITEMS IN THE FUTURE, I THINK I WOULD BE A LITTLE MORE COMFORTABLE.

ALL ITEMS THAT HAVE NOT ALREADY ACHIEVED THE ABILITY TO BE ON THE BALLOT.

>>BRIAN BLAIR: AND I DIDN'T SINGLE IT OUT.

IT IS NOR ALL ITEMS.

>>JIM NORMAN: I MEAN ALL ITEMS THEREAFTER, IN OTHER WORDS, NOT INCLUDING THE MAYOR ISSUE.

>>BRIAN BLAIR: WELL, I WOULD -- WHY IN THE WORLD?

I MEAN, PLEASE, SOMEBODY GIVE ME SOME LOGIC WHY YOU SIT UP HERE EVERY FIVE YEARS WITH -- WITH A CITIZEN-APPOINTED CHARTER REVIEW COMMITTEE THAT TAKES TWO-THIRDS TO CHANGE THE CHARTER AND LITERALLY YOU CAN GO DO IT WITH 50% THIS WAY?

IT'S LIKE THE SHOE'S ON THE OTHER FOOT, AND THEN WE OVERWHELMINGLY VOTED ON AMENDMENT 3 REQUIRING -- I MEAN, THAT'S THE CITIZENS' WILL WAS WITH AMENDMENT 3, THAT IT WOULD TAKE 60%. IT'S JUST LIKE THE PREGNANT PIG SYNDROME OR ANYTHING. THAT'S THE PURPOSE OF THAT.

SO IN THE SENATE OR CONGRESS OR ANYTHING, I BELIEVE IT TAKES A SUPERMAJORITY.

>>JIM NORMAN: COMMISSIONER HAGAN.

>>KEN HAGAN: WELL, I GUESS WHAT I STRUGGLE WITH -- I KNOW LAST TIME THIS CAME UP, COMMISSIONER SHARPE HAD PROBLEMS WITH IT GOING ON THE PRIMARY BALLOT BECAUSE OF -- THE '06 PRIMARY BALLOT BECAUSE IT WOULD BE PERCEIVED THAT WE WERE TRYING TO DO SOMETHING BEFORE THE GENERAL ELECTION.

NOW THEIR ARGUMENT IS WELL, WE CAN'T DO IT IN THE PRESIDENTIAL PRIMARY, MAYBE DOING SOMETHING BEFORE THE '08.

GOD KNOWS WHEN THIS THING WILL EVER COME.

WE HEARD A GENTLEMAN TODAY SAYING LOOK INTO IT FOR DIFFERENT REASONS.

CHANCES ARE THERE ARE GOING TO BE CONSTITUTIONAL CHALLENGES TO IT ANYWAY.

WE DON'T KNOW THIS THING WILL EVER COME TO THE BALLOT, SO IT DOESN'T MAKE SENSE TO KEEP PUTTING IT OFF FOR FEAR IT MAY LOOK LIKE WE'RE DOING SOMETHING BECAUSE OF AN INITIATIVE THAT MAY OR MAY NOT EVER COME FORWARD.

SO TO ME, THAT'S KIND OF A WEAK ARGUMENT, FRANKLY.

>>JIM NORMAN: COMMISSIONER BLAIR.

>>BRIAN BLAIR: WELL, AND AGAIN, THE CITIZENS HAVE ALREADY SPOKEN.

I MEAN, THEY OVERWHELMINGLY VOTED.

SO IT'S LIKE -- IT'S ALMOST LIKE WE'RE OVERRULING THE CITIZENS' WILL.

WE ALREADY KNOW WHAT THE CITIZENS' WILL IS BECAUSE THEY'VE ALREADY VOTED ON IT.

I MEAN, I JUST DON'T UNDERSTAND HOW YOU COULD THINK ANYTHING BUT THAT.

IT'S LIKE THE OTHER SIDE WOULD BE TAKING ADVANTAGE OF THE CITIZENS.

>>JIM NORMAN: TO ME, IF IT WAS ALL FUTURE ISSUES OTHER THAN THE COUNTY MAYOR, I WOULD BE THERE WITH YOU, BUT IF IT'S BEING FRAMED THAT WAY, IT LOOKS LIKE WE'RE PROTECTING AND TRYING TO RAISE THE BAR.

OKAY.

YOU HAVE A MOTION AND A SECOND TO REFER IT OVER TO THE COUNTY ADMINISTRATOR.

PLEASE RECORD YOUR VOTE.

EXCUSE ME.

COUNTY ATTORNEY.

>>RECORDING SECRETARY: MOTION CARRIED 3-4.

COMMISSIONERS FERLITA, HIGGINBOTHAM, NORMAN, AND SHARPE VOTED NO.

>>JIM NORMAN: OKAY.

WE ARE NOW IN CLOSED SESSION.



# Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>. A-8

Meeting Date January 22, 2009

Consent Section

Regular Section

Public Hearing

Subject:  
Ordinance to amend Section 8.04 of the Hillsborough County Charter to require that amendments to the Charter be approved by no less than 60% vote.

Department Name: County Attorney's Office

Contact Person: Mary Helen Farris

Contact Phone: 272-5670

Sign-Off Approvals:

**Mary Helen Farris**

01/14/2009

Managing County Attorney

Date

Renée Francis Lee

01/14/2009

County Attorney

Date

NA

Joint Department Director

Date

Eric Johnson

01/15/2009

**Mary Helen Farris**

01/14/2009

Assistant County Attorney

Date

Management and Budget - Approved as to Financial Impact Accuracy

Date

Staff's Recommended Board Motion:

Authorize the County Attorney's Office to publish the required notice and set a public hearing for consideration of an Ordinance to amend Hillsborough County Charter to require that amendments to the Charter be approved by no less than 60% vote.

Approval of this item will have no financial impact on the FY 09 Adopted Budget.

Financial Impact Statement:

Approval of this item will have no financial impact on the FY 09 Adopted Budget.

Background:

The Hillsborough County Charter provides in Section 8.04 that amendments to the Charter "shall become effective upon approval by a majority of the electors voting at the next scheduled countywide election or special referendum election". At the general election in 2006, the Florida Constitution was amended to require no less than 60% of the voters' approval to amend the state constitution. Voters in Hillsborough County approved this amendment with a 53% vote; voters statewide approved the constitutional amendment by a 58% vote. This amendment would require a no less than 60% approval for any Charter amendment regardless of whether the amendment was proposed by the Board of County Commissioners, Charter Review Board or by citizen initiative.

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**ORDINANCE NUMBER 09-**

**AN ORDINANCE PROPOSING TO THE ELECTORATE OF HILLSBOROUGH COUNTY BY MEANS OF A REFERENDUM, THE QUESTION OF AMENDING THE HILLSBOROUGH COUNTY HOME RULE CHARTER FOR THE GOVERNANCE OF HILLSBOROUGH COUNTY, FLORIDA; PROVIDING THAT AMENDMENTS TO THE CHARTER BECOME EFFECTIVE UPON APPROVAL OF NO LESS THAN 60% OF THE VOTE OF THE ELECTORS; PROVIDING THAT THIS AMENDMENT TO THE CHARTER SHALL BECOME ADOPTED ONLY IF A MAJORITY OF THOSE HILLSBOROUGH COUNTY ELECTORS VOTING IN THE REFERENDUM SHALL VOTE "YES"; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 8.04 of the Hillsborough County Charter provides that amendments to the Charter become effective upon approval by a majority vote of the electors; and

WHEREAS, the Hillsborough County Board of County Commissioners desires to place a referendum for the voters of Hillsborough County to determine whether Hillsborough County Charter should be amended to provide that amendments to the Hillsborough County Charter become effective upon approval by a 60% vote of the electors.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Hillsborough County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2009:

**Section One: Section 8.04 of the Hillsborough County Charter shall be amended to read:**

**VIII. Amendment To Charter**

1 Section 8.04. Elections and Notice

2  
3 All elections shall be held and conducted pursuant to the provisions of general law except  
4 as otherwise provided in this Charter. Charter amendments by ordinance shall be voted  
5 on at special elections or regular elections as the board of county commissioners chooses.  
6 Charter review and initiative amendments shall be voted on at the next regular general  
7 election. Amendments shall become effective upon approval by a ~~majority~~ no less than  
8 60% vote of the electors voting at the next scheduled countywide election or special  
9 referendum election.

10

11 **Section 2.**

12

13 (a) The proposed amendment to the Charter of Hillsborough County, Florida shall be  
14 presented to the Hillsborough County electorate by placing the question of whether to  
15 adopt the amendment to the Charter on the ballot at the next scheduled general election.

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17 (b) The question on the ballot shall be as follows:

18

19 To amend the Hillsborough County Charter so that amendments shall become effective  
20 upon approval by a 60% vote of the electors, rather than a majority vote of the electors as  
21 the Charter currently provides for, Providing for an effective date.

22

23  Yes for Approval

24

25  No for Rejection

26

27 **Section 3. Effective Date:**

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29 (a) This Amendment to the Charter of Hillsborough County shall become effective  
30 when and only if approved by a "yes" vote by a majority of those voting on the question  
31 posed at the next general election. If a majority of those voting shall not vote "yes" to the  
32 question posed, the proposed amendment shall not be adopted.

33

34 (b) This Amendment to the Charter of Hillsborough County shall go into force and  
35 effect on the second Tuesday following the general election at which the Charter is  
36 amended.

37

1 STATE OF FLORIDA)  
2 COUNTY OF HILLSBOROUGH)

3  
4 I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of  
5 County Commissioners of Hillsborough County, Florida, do hereby certify that the above  
6 and foregoing is a true copy of the Ordinance adopted by the Board in its regular meeting  
7 of \_\_\_\_\_ as the same appears of record in Minute Book \_\_\_\_\_  
8 of the Public Records of Hillsborough County, Florida.

9  
10 Witness my hand and official seal this \_\_\_\_\_ day of 2009.

11  
12 PAT FRANK  
13 CLERK OF THE CIRCUIT COURT

14  
15  
16 BY: \_\_\_\_\_  
17 Deputy Clerk

18  
19  
20 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

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22 BY: \_\_\_\_\_  
23 Mary Helen Farris,  
24 Managing Attorney

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1/22/09

>>PAT BEAN: YOU HAVE ONE ITEM THAT WAS PULLED FROM CONSENT FOR SEPARATE VOTE, AND THE SAME ITEM PULLED FROM CONSENT FOR DISCUSSION AND SEPARATE VOTE.

COMMISSIONER NORMAN WANTED TO HAVE IT PULLED FOR SEPARATE VOTE, AND COMMISSIONER FERLITA ASKED FOR DISCUSSION AND SEPARATE VOTE, SO I WOULD ASSUME YOU'D WANT TO HEAR THE DISCUSSION FIRST.

>>KEN HAGAN: COMMISSIONER FERLITA.

>>ROSE FERLITA: I WOULD THINK THAT WAS IT, YEAH.

I JUST HAD A COUPLE OF QUESTIONS, AND SOME OF THOSE WERE ALREADY ADDRESSED BY RENEE LEE WHEN WE WERE BRIEFED, BUT AS -- AS WE KNOW AND AS WE HAVE SEEN, LOTS OF TIMES WE DEAL IN AN ARENA OF PERCEPTION AS OPPOSED TO SOMETHING ELSE, AND I THINK THE FACT THAT THIS IS COMING UP TO UP THAT PERCENTAGE IN ORDER TO MAKE CHANGES TO THE CHARTER, IT MIGHT BE PERCEIVED BY SOME PEOPLE, SPECIFICALLY IN THE CASE OF THE -- THE COUNTY MAYOR, AS AN ATTEMPT TO TRY TO CRAMP THAT PROCESS, SO RATHER THAN TAKE THE CHANCE OR THE RISK OF PEOPLE BELIEVING THAT'S WHY THIS IS BEING DONE, I WON'T SUPPORT IT.

I THINK IT SHOULD STAY AS IT IS.

YES, THE STATE IS DOING THIS, AND THAT'S THE THRESHOLD AT WHICH THEY CHOOSE TO MOVE FORWARD WITH THE CONSTITUTIONAL CHANGES, BUT IN SOME CASES WE DO THE SAME THING THAT THE STATE DOES, IN SOME CASES WE DON'T, SO I'M COMFORTABLE LEAVING IT WHERE IT IS, AND SO THAT'S JUST SIMPLY THE REASON I'M NOT GOING TO SUPPORT IT.

>>KEN HAGAN: OKAY.

WE HAVE A MOTION -- COMMISSIONER BECKNER.

>>KEVIN BECKNER: YES.

THANK YOU, MR. CHAIR.

I GUESS PART OF MY BELIEF SYSTEM IS THAT THE PEOPLE SHOULD ACTUALLY HAVE A VOICE AND DECIDE.

YOU KNOW, THE STATE PUT FORWARD THAT REFERENDUM WHETHER TO INCREASE THE PERCENTAGE OR NOT, AND I THINK THAT THE PEOPLE HAVE A RIGHT TO MAKE DECISIONS ON THE LOCAL LEVEL, AND SO I THINK AT THIS STAGE I BELIEVE THAT WE WERE JUST ASKING FOR A PUBLIC HEARING AND COMMENT TO ACTUALLY HAVE DISCUSSION, THOUGHTFUL DISCUSSION, AROUND WHETHER THIS IS SOMETHING THAT THE PEOPLE WANTED TO GO FORWARD WITH, SO I BELIEVE THAT WE SHOULD NOT SILENCE THE PEOPLE, THAT WE SHOULD ALLOW THEM TO GIVE -- VOICE THEIR OPINION ABOUT THIS ISSUE, AND SO I WOULD MOVE THAT WE ACTUALLY GO FORWARD AND ALLOW THE PEOPLE TO SPEAK TO THIS ISSUE.

THANK YOU.

>>KEN HAGAN: OKAY.

WE'VE GOT A MOTION TO APPROVE BY COMMISSIONER BECKNER.

DO WE HAVE A SECOND?

DO WE HAVE A SECOND ON THIS ISSUE?

I'LL PASS THE GAVEL AND I'LL SECOND THE MOTION.

>>MARK SHARPE: WE HAVE A MOTION TO APPROVE A-8 BY COMMISSIONER BECKNER, SECONDED BY COMMISSIONER HAGAN. PLEASE RECORD YOUR VOTE.

>>RECORDING SECRETARY: MOTION PASSED 4-3.

COMMISSIONERS FERLITA, NORMAN, AND SHARPE VOTED NO.

>>KEN HAGAN: OKAY.

AND THEN OUR LAST ITEM OF THE DAY IS FOR FUTURE ISSUES.

IS THAT CORRECT, MS. BEAN?

>>PAT BEAN: YES, IT IS, AND I THINK THAT COMMISSIONER FERLITA ALREADY HAS AN ITEM THAT SHE WANTED TO PUT ON SHE

2/4/09

>>KEVIN WHITE: THANK YOU, MR. CHAIRMAN.  
 I DON'T HAVE ANYTHING FOR FUTURE, BUT I HAD SOMETHING I  
 WANTED TO ASK THE BOARD.  
 I'D LIKE TO MAKE A MOTION TO RECONSIDER SOMETHING THAT WAS  
 ON THE AGENDA, ON OUR LAST AGENDA ON JANUARY 22nd.  
 I'M SORRY, I WAS OUT OF THE ROOM AT THE TIME, AND I WAS  
 LISTENING TO PART OF THE DISCUSSION, AND I WENT BACK AND  
 PULLED PART OF THE RECORD, AND I LOOKED AT IT AND I  
 INADVERTENTLY VOTED THE WRONG WAY, SO I'D LIKE TO MAKE A  
 MOTION TO WAIVE THE RULES AND OPEN ITEM A-8 BACK UP.  
 TO REFRESH EVERYBODY'S MEMORY, IT'S THE AUTHORIZATION FOR  
 THE COUNTY ATTORNEY'S OFFICE TO PUBLISH THE REQUIRED NOTICE  
 AND SET A PUBLIC HEARING FOR CONSIDERATION OF THE ORDINANCE  
 TO AMEND HILLSBOROUGH COUNTY CHARTER TO REQUIRE THE  
 AMENDMENTS CHARTER BE APPROVED BY NO LESS THAN 60%  
 APPROVAL. THE ITEM WOULD HAVE NO FINANCIAL IMPACT ON THE FY  
 09 ADOPTION BUDGET, SO THAT WOULD BE MY MOTION, TO OPEN  
 THAT UP FOR RECONSIDERATION.  
 >>KEN HAGAN: CAN WE OPEN FOR RECONSIDERATION AT NEXT  
 MEETING?  
 I DON'T BELIEVE WE CAN.  
 >>PAT BEAN: YOU CAN MAKE A MOTION.  
 >>RENEE LEE: YEAH.  
 COMMISSIONER, YOU CAN MAKE A NEW MOTION.  
 YOU COULD WAIVE THE BOARD'S RULES.  
 YOUR RULES SAY THAT RECONSIDERATION IS ONLY OF AN ITEM AT  
 THE SAME MEETING, BUT YOU CAN WAIVE THE RULES AND I GUESS  
 RENEW A MOTION.  
 >>KEN HAGAN: COMMISSIONER NORMAN.  
 >>JIM NORMAN: COMMISSIONER, LET ME JUST SAY ONE WAY OR THE  
 OTHER HOW THIS IS GOING DOWN, WHATEVER, I WOULD PREFER IF  
 THERE'S A VOTE ON THIS TO HAVE IT ADVERTISED.  
 AS IT STANDS RIGHT NOW, WE'RE TAKING UP AN ITEM AND WE'RE  
 GOING TO VOTE ON AN ITEM THAT HAS PREVIOUSLY NOT BEEN  
 NOTICED FOR THIS AGENDA, AND I THINK THAT'S -- THAT'S BAD.  
 I MEAN, YOU COULD PUT IT ON THE NEXT AGENDA AND VOTE IT ONE  
 WAY OR THE OTHER KIND OF THING, BUT I'M NOT GOING TO VOTE -  
 -  
 >>MARK SHARPE: WE TOOK ACTION, AND I THINK IT WAS A 3-4  
 VOTE TO --  
 >>RENEE LEE: 5-2.  
 IT'S 5-2 TO SET IT FOR PUBLIC HEARING.  
 >>KEVIN WHITE: NO, IT WAS 4-3, FERLITA, NORMAN, AND SHARPE  
 VOTING NO.  
 >>JIM NORMAN: BUT IT WAS NOTICED AS A PUBLIC MEETING, AND  
 RIGHT NOW WE'RE TAKING SOMETHING OFF AN AGENDA THAT IT HAS  
 NOT BEEN NOTICED FOR, CITIZENS COULDN'T SPEAK TO IT.  
 >>KEVIN WHITE: I DON'T THINK THERE WERE MANY CITIZENS HERE  
 LAST --  
 >>KEN HAGAN: MS. LEE, DID YOU WANT TO COMMENT ON IN?  
 >>RENEE LEE: COMMISSIONER, JUST THAT CURRENTLY IT'S SET  
 FOR PUBLIC HEARING ON FEBRUARY 18th.  
 WE HAVE NOTICED IT, SO WE WILL CANCEL THAT NOTICE OR -- OR  
 READVERTISE THAT THAT PUBLIC HEARING WILL BE CANCELED ON  
 THE 18th IF IT'S YOUR VOTE TO NOT SET IT FOR PUBLIC  
 HEARING.  
 >>KEN HAGAN: COMMISSIONER FERLITA.  
 >>ROSE FERLITA: OKAY.  
 SO, MS. LEE, I'M KIND OF CONFUSED.  
 IF I HAD REVIEWED ANY ITEM AND I WANTED TO CHANGE MY

POSITION, THEN CERTAINLY I WOULD HOPE THAT MY COLLEAGUES WOULD ALLOW ME THAT.

SO IN TERMS OF MR. WHITE'S SITUATION BUT IN ADDITION IN TERMS OF WHAT HAS BEEN NOTICED AND WHAT HAS BEEN SCHEDULED, WHAT IS THE BEST WAY TO GO THROUGH THIS AGAIN SO WE DON'T VIOLATE ANY KIND OF ADVERTISING EXPECTATION BUT AT THE SAME TIME HE HAS A CHANCE TO WEIGH IN ON WHATEVER HE WANTS. MY VOTE STAYS THE SAME, SO IT DOESN'T MATTER TO ME, BUT --

>>RENEE LEE: OKAY.

YOUR VOTE TO SET IT FOR PUBLIC HEARING IS NOT YOUR FINAL VOTE TO PASS AN ORDINANCE --

>>JIM NORMAN: RIGHT.

>>RENEE LEE: -- TO DO THIS.

IT WAS JUST TO BRING THE BILL FORWARD TO HEAR FROM THE PUBLIC.

>>ROSE FERLITA: RIGHT.

SO HOW DO WE GO THROUGH THAT MECHANISM AND MAKE THAT APPROPRIATE AND AT THE SAME TIME GIVE HIM THE SAME OPPORTUNITY TO DO WHATEVER HE WANTS.

>>RENEE LEE: THAT HAS ALREADY TAKEN PLACE, SO THAT'S SET IN PLACE.

>>ROSE FERLITA: ALL RIGHT.

SO WHAT DO WE DO TO --

>>RENEE LEE: COMMISSIONER, IF YOU TELL ME YOUR INTENT, WHERE YOU WANT TO GO, MAYBE I CAN HELP YOU GET THERE.

ARE YOU -- DO YOU WANT TO CHANGE --

>>KEVIN WHITE: I'D LIKE TO OPEN IT UP AND -- I WOULDN'T BE BRINGING IT UP --

>>MARK SHARPE: HE'S PROBABLY GOING TO SWITCH IT OVER AND VOTE AGAINST A PUBLIC HEARING IS WHAT I'M GETTING.

>>RENEE LEE: IT IS ADVERTISED.

>>PAT BEAN: WHY NOT JUST DO IT THEN?

>>KEVIN WHITE: LET ME PUT IT THIS WAY.

WHATEVER IS EASIER AND CLEANER WITH THE BOARD I'M AMENABLE TO.

I'M JUST -- I WAS JUST ASKING FOR THE RECONSIDERATION TO DO THAT.

IF -- IF IT'S -- IF YOU THINK IT'S IN THE BEST INTEREST SINCE IT'S NOT A DONE DEAL ONE WAY OR THE OTHER, IF YOU FEEL COMFORTABLE SINCE YOU'VE NOTICED AND ADVERTISED IT, IF THAT'S WHAT THE BOARD FEELS COMFORTABLE WITH, SINCE IT'S NOT THE FINAL VOTE OR IF WE EVEN WANT TO BOTHER GOING FORWARD WITH A PUBLIC HEARING AND MAYBE STAYING HERE, YOU KNOW, "X" AMOUNT OF TIME ON A PUBLIC HEARING, IF WE KIND OF HAVE THE CONSENSUS OF HOW THE VOTE'S GOING TO GO ANYWAY, THEN THERE'S -- THERE MAY NOT BE A NEED.

>>RENEE LEE: IT WILL REQUIRE FIVE VOTES TO PASS THIS ORDINANCE AND PUT IT ON THE BALLOT BECAUSE IT'S A CHANGE TO THE CHARTER.

IT -- ALL YOU'VE DONE NOW IS TO ALLOW THE PUBLIC TO SPEAK TO IT.

WHEN YOU -- WHEN IT'S BEFORE YOU ON THE 18th, AT THAT TIME YOU CAN VOTE NO AGAINST IT OR NOT.

IT WILL -- IT'S A LITTLE AWKWARD TO TRY TO CHANGE IT NOW BECAUSE WE'RE IN THE MIDDLE OF A PROCESS.

>>KEVIN WHITE: OKAY.

I'LL TELL YOU WHAT I'LL DO THEN.

I WILL WITHDRAW MY MOTION BASED ON -- THEN THAT WAS THE OTHER PART OF THE CLARIFICATION THAT I NEEDED THAT I WASN'T TOTALLY AWARE OF.

I WILL WITHDRAW MY MOTION.  
BASICALLY IF WE JUST SET THE PUBLIC HEARING, IF WE ACTUALLY  
HAVE TAKEN NO FORMAL ACTION AT ALL, I'LL WITHDRAW THAT, AND  
WE'LL GO THROUGH THE PUBLIC HEARING PROCESS AND WE'LL GO  
FROM THERE.  
THANK YOU.  
>>KEN HAGAN: COMMISSIONER HIGGINBOTHAM, DID YOU WANT TO  
COMMENT OR -- YOU'RE GOOD?  
OKAY.



# Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>. D-2

Meeting Date February 18, 2009

- Consent Section     
  Regular Section     
  Public Hearing

Subject:  
 Public Hearing on Ordinance to amend Section 8.04 of the Hillsborough County Charter to require that amendments to the Charter be approved by no less than 60% vote.

Department Name: County Attorney's Office

Contact Person: Mary Helen Farris      Contact Phone: 813-272-5670

Sign-Off Approvals:		<b>Mary Helen Farris</b>	<u>02/04/2009</u>
		<small>Managing County Attorney</small>	<small>Date</small>
<u>Renée Francis Lee</u>	<u>02/09/2009</u>	<u>NA</u>	<u>                    </u>
<small>County Attorney</small>	<small>Date</small>	<small>Joint Department Director</small>	<small>Date</small>
<u>Eric Johnson</u>	<u>02/09/2009</u>	<u>no E-Signature</u>	<u>02/04/2009</u>
<small>Management and Budget – Approved as to Financial Impact Accuracy</small>		<small>Assistant County Attorney</small>	<small>Date</small>

Staff's Recommended Board Motion:  
 Conduct a Public Hearing and consider the enactment of a proposed Ordinance to amend Hillsborough County Charter to require that amendments to the Charter be approved by no less than 60% vote.  
  
 Approval of this item will have no financial impact on the FY 09 Adopted Budget.

Financial Impact Statement:  
 Approval of this item will have no financial impact on the FY 09 Adopted Budget.

Background:  
 The Hillsborough County Charter provides in Section 8.04 that amendments to the Charter "shall become effective upon approval by a majority of the electors voting at the next scheduled countywide election or special referendum elections". At the general election in 2006, the Florida Constitution was amended to require no less than 60% of the voters' approval to amend the state constitution. Voters in Hillsborough County approved this amendment with a 53% vote; voters statewide approved the constitutional amendment by a 58% vote. This amendment would require a no less than 60% approval for any Charter amendment regardless of whether the amendment was proposed by the Board of County Commissioners, Charter Review Board or by citizen initiative.

List Attachments:

Proposed Ordinance and Notice of Intent to Consider County Ordinance Legal Ad.

Draft  
1/23/09  
MHF

ORDINANCE NUMBER 09-

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AN ORDINANCE PROPOSING TO THE ELECTORATE OF HILLSBOROUGH COUNTY BY MEANS OF A REFERENDUM, THE QUESTION OF AMENDING THE HILLSBOROUGH COUNTY HOME RULE CHARTER FOR THE GOVERNANCE OF HILLSBOROUGH COUNTY, FLORIDA; PROVIDING THAT AMENDMENTS TO THE CHARTER BECOME EFFECTIVE UPON APPROVAL OF NO LESS THAN 60% OF THE VOTE OF THE ELECTORS; PROVIDING THAT THIS AMENDMENT TO THE CHARTER SHALL BECOME ADOPTED ONLY IF A MAJORITY OF THOSE HILLSBOROUGH COUNTY ELECTORS VOTING IN THE REFERENDUM SHALL VOTE "YES"; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 8.04 of the Hillsborough County Charter provides that amendments to the Charter become effective upon approval by a majority vote of the electors; and

WHEREAS, the Hillsborough County Board of County Commissioners desires to place a referendum for the voters of Hillsborough County to determine whether Hillsborough County Charter should be amended to provide that amendments to the Hillsborough County Charter become effective upon approval by a no less than 60% vote of the electors.

NOW THEREFORE, be it ordained by the Board of County Commissioners of Hillsborough County, Florida, this \_\_\_ day of \_\_\_\_\_, 2009:

**Section One: Section 8.04 of the Hillsborough County Charter shall be amended to read:**

**VIII. Amendment To Charter**

1 Section 8.04. Elections and Notice

2  
3 All elections shall be held and conducted pursuant to the provisions of general law except  
4 as otherwise provided in this Charter. Charter amendments by ordinance shall be voted  
5 on at special elections or regular elections as the board of county commissioners chooses.  
6 Charter review and initiative amendments shall be voted on at the next regular general  
7 election. Amendments shall become effective upon approval by a ~~majority~~ no less than  
8 60% vote of the electors voting at the next scheduled countywide election or special  
9 referendum election.

10  
11 **Section 2.**

12  
13 (a) The proposed amendment to the Charter of Hillsborough County, Florida shall be  
14 presented to the Hillsborough County electorate by placing the question of whether to  
15 adopt the amendment to the Charter on the ballot at the next scheduled general election.

16  
17 (b) The question on the ballot shall be as follows:

18  
19 To amend the Hillsborough County Charter so that amendments shall become effective  
20 upon approval by a no less than 60% vote of the electors, rather than a majority vote of  
21 the electors as the Charter currently provides for, Providing for an effective date.

22  
23  Yes for Approval

24  
25  No for Rejection

26  
27 **Section 3. Effective Date:**

28  
29 (a) This Amendment to the Charter of Hillsborough County shall become effective  
30 when and only if approved by a "yes" vote by a majority of those voting on the question  
31 posed at the next general election. If a majority of those voting shall not vote "yes" to the  
32 question posed, the proposed amendment shall not be adopted.

33  
34 (b) This Amendment to the Charter of Hillsborough County shall go into force and  
35 effect on the second Tuesday following the general election at which the Charter is  
36 amended.

37

1 STATE OF FLORIDA)  
2 COUNTY OF HILLSBOROUGH)

3  
4 I, PAT FRANK, Clerk of the Circuit Court and Ex-Officio Clerk of the Board of  
5 County Commissioners of Hillsborough County, Florida, do hereby certify that the above  
6 and foregoing is a true copy of the Ordinance adopted by the Board in its regular meeting  
7 of \_\_\_\_\_ as the same appears of record in Minute Book \_\_\_\_\_  
8 of the Public Records of Hillsborough County, Florida.

9  
10 Witness my hand and official seal this \_\_\_\_\_ day of 2009.

11  
12 PAT FRANK  
13 CLERK OF THE CIRCUIT COURT

14  
15  
16 BY: \_\_\_\_\_  
17 Deputy Clerk

18  
19  
20 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

21  
22  
23 BY: \_\_\_\_\_  
24 Mary Helen Farris,  
25 Managing Attorney

NOTICE OF INTENT TO  
CONSIDER COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN:

NOTICE is hereby given that the Board of County Commissioners of Hillsborough County, Florida, intends to consider for the purpose of enactment, the following ordinance at a meeting on **February 18, 2009 at 2:00 p.m.** in the Board of County Commissioners Board Room, County Center Second Floor, 601 East Kennedy Boulevard, Tampa, Florida:

**AN ORDINANCE PROPOSING TO THE ELECTORATE OF HILLSBOROUGH COUNTY BY MEANS OF A REFERENDUM, THE QUESTION OF AMENDING THE HILLSBOROUGH COUNTY HOME RULE CHARTER FOR THE GOVERNANCE OF HILLSBOROUGH COUNTY, FLORIDA; PROVIDING THAT AMENDMENTS TO THE CHARTER BECOME EFFECTIVE UPON APPROVAL OF NO LESS THAN 60% OF THE VOTE OF THE ELECTORS; PROVIDING THAT THIS AMENDMENT TO THE CHARTER SHALL BECOME ADOPTED ONLY IF A MAJORITY OF THOSE HILLSBOROUGH COUNTY ELECTORS VOTING IN THE REFERENDUM SHALL VOTE "YES"; PROVIDING FOR AN EFFECTIVE DATE.**

\*\*\*\*\*

ANY PERSON WHO MIGHT WISH TO APPEAL ANY DECISION MADE BY THE HILLSBOROUGH COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING ANY MATTER CONSIDERED AT THE FORTHCOMING PUBLIC HEARING OR MEETING IS HEREBY ADVISED THAT THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH WILL INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH SUCH APPEAL IS TO BE BASED. ALL INTERESTED PARTIES MAY APPEAR AT THE ABOVE REFERENCED HEARING AND BE HEARD WITH RESPECT TO THE PROPOSED ORDINANCE. A COPY OF THE PROPOSED ORDINANCE MAY BE INSPECTED BY THE PUBLIC AT THE CLERK'S OFFICE ON THE 12<sup>TH</sup> FLOOR OF THE COUNTY CENTER AT 601 E. KENNEDY BLVD., TAMPA, FL. 33602.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), PERSONS NEEDING SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THESE PROCEEDINGS, AND ALSO THOSE SEEKING AN INTERPRETER, SHOULD CONTACT THE CITIZENS' ACTION CENTER AT TELEPHONE NUMBER (813) 272-5900 NOT LATER THAN 48 HOURS PRIOR TO THE PROCEEDINGS.

CHAIRMAN, BOARD OF COUNTY COMMISSIONERS  
Hillsborough County, Florida

Date to Run: February 5, 2009

2/18/09

>>PAT BEAN: MR. CHAIR, YOUR NEXT ITEM IS A PUBLIC HEARING TO CONSIDER THE ENACTMENT OF A PROPOSED ORDINANCE TO AMEND THE HILLSBOROUGH COUNTY CHARTER TO REQUIRE THAT AMENDMENTS TO THE CHARTER BE APPROVED BY NO LESS THAN 60%, AND MARY HELEN FARRIS WILL TAKE THIS ITEM.

>>MARY HELEN FARRIS: YES.

I'M MARY HELEN FARRIS WITH THE COUNTY ATTORNEY'S OFFICE. THIS IS A PUBLIC HEARING TO CONSIDER AN ORDINANCE THAT WOULD PROPOSE A CHANGE TO THE CHARTER. BASICALLY THE CHANGE WOULD GO FROM WHAT CURRENTLY IS A MAJORITY VOTE TO CHANGE THE CHARTER AND INCREASE THAT TO 60% -- EXCUSE ME -- AND BECAUSE THIS IS AN ORDINANCE THAT PROPOSES A CHANGE TO THE CHARTER, IT REQUIRES FIVE AFFIRMATIVE VOTES FOR PASSAGE. IT'S BEEN DULY NOTICED, AND I'M AVAILABLE TO ANSWER ANY QUESTIONS.

>>KEN HAGAN: THIS IS A PUBLIC HEARING. WOULD ANYONE LIKE TO SPEAK TO THIS ITEM?

OKAY.

THAT CLOSES THE PUBLIC HEARING.

COMMISSIONER BECKNER.

MR. WHITE.

>> MAY I SPEAK?

YES.

GOOD AFTERNOON, COMMISSIONERS.

GERALD WHITE, COMMUNITY ACTIVIST, HILLSBOROUGH COUNTY. I THOUGHT LONG AND HARD ABOUT THIS PARTICULAR AMENDMENT TO THE CHARTER THAT WOULD CHANGE -- APPROVAL OF A CHANGE TO OUR COUNTY CHARTER TO 60%, AND I THOUGHT ABOUT BOB GILDER, WHO WAS -- WHO HAD STRONG OPINION ABOUT THE ORIGINAL CHARTER THAT WAS ENACTED IN THE EARLY '80s, AND AT THAT TIME HE WANTED SINGLE-MEMBER DISTRICTS -- SEVEN SINGLE-MEMBER DISTRICTS.

HE DIDN'T SUPPORT THE CHARTER, THE ORIGINAL CHARTER THAT IS IN PLACE TODAY, AND THERE'S ONLY BEEN A FEW CHANGES TO THE COUNTY CHARTER.

WE CHANGED IT RELATED TO THE COUNTY ATTORNEY AND WE CHANGED THE CHARTER -- THE CITIZENS DID -- BY WAY OF INTERNAL PERFORMANCE AUDITOR.

ONE ACT WAS DONE BY THE BOARD OF COUNTY COMMISSIONERS, AND THE OTHER WAS BY THE CHARTER REVIEW BOARD.

I'M CONCERNED ABOUT TAKING A STEP BACK, YOU KNOW.

WHEN YOU LOOK AT THE MAKEUP OF OUR COUNTY AS IT RELATES TO RESIDENTS, WE'RE ONLY ABOUT 15%, 16% MINORITY VOTERS, MEANING AFRICAN AMERICAN VOTERS IN THIS COUNTY, AND, YOU KNOW, WE BLACK VOTERS ARE ALREADY A SMALL PERCENTAGE OF REGISTERED VOTERS IN THIS COUNTY, AND I WOULD HATE TO PUT AN ADDITIONAL BURDEN ON THE AFRICAN AMERICAN CITIZENS, SAYING THAT THEY WOULD HAVE TO RISE TO A 60% VOTE NUMBER IN ORDER TO CHANGE SOMETHING.

ALL GREAT CHANGES THAT HAS BEEN BROUGHT ABOUT IN OUR COUNTY HAS BEEN DONE, WELL, CLOSE TO 60%, IF NOT OVER, AND SO I REALLY DON'T SEE A REAL NEED FOR THIS CHANGE.

I KNOW THERE'S A LOT OF OPPOSITIONS TO THE ELECTED COUNTY MAYOR PROPOSAL, BUT I DON'T THINK THIS IS WHERE THE FIX NEEDS TO TAKE PLACE.

IF THERE WAS A FIX TO CLEAN UP THE PROCESS OF CHANGING OUR COUNTY CHARTER, I WOULD ADVOCATE REQUIRING A LEGAL REVIEW OF ANY PROPOSAL THAT WOULD GO BEFORE THE VOTERS IN ADVANCE OF IT BEING PLACED ON THE BALLOT.

I CAN SUPPORT SOMETHING LIKE THAT.

BUT THIS, NO.

I WOULD REQUIRE A PRECLEARANCE REVIEW BY -- BY THE -- BY THE JUSTICE DEPARTMENT CIVIL RIGHTS DIVISION BEFORE SOMETHING GOES ON THE BALLOT.

THOSE ARE THE KIND OF FIXES THAT I THINK THAT NEEDS TO BE DONE.

IF YOU LOOK AT THE CONSTITUTIONAL CHANGE IN THE STATE OF FLORIDA, EVEN THAT CHANGE THAT WAS ENACTED, IT WASN'T DONE BY 60% OF THE VOTERS IN HILLSBOROUGH COUNTY OR THE STATE OF FLORIDA, AND SO WE'RE NOT THERE YET.

IT'S NOT NEEDED.

I UNDERSTAND THE PUSH TO STOP SOMETHING THAT A LARGE PERCENTAGE OF CITIZENS WANT IN THIS COUNTY, BUT WE MUST ALWAYS RISE TO THE LEVEL OF COMPLETE AND TOTAL FAIRNESS, AND WE MUST HAVE THE STRENGTH TO THREAD THE EYE OF THE NEEDLE AS IT RELATES TO CHANGE IN OUR COUNTY, AND SO I DON'T SUPPORT IT, I DON'T THINK IT'S NEEDED, AND I THINK IT'S GOING TO HAVE ADVERSE EFFECTS ON THE AFRICAN AMERICAN VOTERS OF HILLSBOROUGH COUNTY.

THANK YOU.

>>KEN HAGAN: THANK YOU, MR. WHITE.

ANYONE ELSE?

GOOD AFTERNOON, MS. FLOTT.

>> I CAN'T MOVE THAT.

TERRY FLOTT, SEFFNER COMMUNITY ALLIANCE AND CITIZEN.

I ALSO OPPOSE THIS AMENDMENT OR PROPOSAL.

I THINK IT MAKES IT TOO HARD TO GET THINGS ACCOMPLISHED, AND I THOUGHT FOR A MINUTE I WAS IN THE MINORITY MYSELF UNTIL I HEARD MR. WHITE SPEAK AND REALIZED THAT, YOU KNOW, IT COULD EVEN HAVE UNINTENDED CONSEQUENCES, SO I WOULD ASK THAT YOU NOT MODIFY THIS.

THANK YOU.

>>KEN HAGAN: THANK YOU, MS. FLOTT.

ANYONE ELSE?

OKAY.

COMMISSIONER BECKNER.

>>KEVIN BECKNER: THANK YOU VERY MUCH.

I DON'T KNOW HOW MANY E-MAILS YOU-ALL RECEIVED. MY OFFICE RECEIVED QUITE A FEW E-MAILS, AND I THINK THERE'S MAYBE -- THERE MAY BE SOME MISINTERPRETATION ABOUT WHAT WE'RE DOING HERE TODAY, AND SO I THINK JUST TO CLARIFY FOR THE RECORD, WHAT WE'RE GOING TO VOTE ON TODAY IS NOT NECESSARILY -- WE'RE NOT GOING TO BE DECIDING IF WE'RE GOING TO CHANGE THE CHARTER OR NOT.

WHAT OUR VOTE TODAY IS ABOUT, WHETHER WE'RE GOING TO SEND THIS TO REFERENDUM FOR THE PEOPLE TO DECIDE.

>>RENEE LEE: THAT'S CORRECT.

>>KEVIN BECKNER: AND THAT'S WHAT I WANT TO MAKE REALLY CLEAR, AND I THINK IT'S IMPORTANT THAT THE PEOPLE HAVE AN ACTIVE ROLE IN THIS PROCESS.

WE'VE TALKED ABOUT THE IMPORTANCE OF HEARING FROM OUR CONSTITUENTS AND HAVING THEM WEIGH IN ON THE PROCESS FROM EVERYTHING FROM CELL PHONE TOWERS TO TRAFFIC CALMING AND HOW IMPORTANT IT WAS THAT THE PEOPLE HAVE A VOICE OUT THERE.

I'VE GOTTEN E-MAILS FROM BOTH SIDES.

I'VE GOTTEN SOME PEOPLE THAT HAVE SAID, YOU KNOW, THE COUNTY CHARTER IS JUST AS SACRED AND IMPORTANT AS THE CONSTITUTION OF THE UNITED STATES AND WE SHOULD TAKE VERY

SERIOUSLY WHEN WE PUT FORTH CHANGES, AND, THEREFORE, CHANGES TO OUR CHARTER SHOULD PERHAPS HAVE A HIGHER BURDEN THAN JUST A SIMPLE MAJORITY.

I'VE HEARD FROM THE OTHER SIDE WHERE PEOPLE SAY, YOU KNOW, I THINK THAT CITIZENS HAVE A RIGHT TO BRING FORTH INITIATIVES AND WE SHOULD HAVE -- YOU KNOW, THE SIMPLE MAJORITY SHOULD BE ENOUGH TO CHANGE THE CHARTER, SO AGAIN, THERE'S PROs -- THERE'S PROs AND CONS OF BOTH SIDES.

I THINK IT'S IMPORTANT THAT WE -- YOU KNOW, THE COUNTY MAYOR GO IN FRONT OF THE PEOPLE.

I THINK AGAIN WE NEED TO INVOLVE THE PEOPLE AS MUCH AS WE CAN IN THIS PROCESS AS WE'VE BEEN DISCUSSING, AND I THINK IF WE DON'T PUT THIS TO THE PEOPLE, I THINK, AGAIN, WE'RE TELLING THE PEOPLE ON ONE HAND IT'S OKAY, WE WANT YOU TO WEIGH IN ON SOME ISSUES, BUT ON OTHER ISSUES, LIKE THIS, WE DON'T WANT YOU TO HAVE A VOICE AND WE DON'T WANT YOUR OPINION TO BE MADE, SO WE'RE NOT GOING TO PUT IT FORWARD TO YOU.

SO, YOU KNOW, AGAIN, I WOULD SUPPORT THIS GOING TO THE PEOPLE AND LET THE PEOPLE DECIDE IF THEY WANT THIS. THE STATE JUST PASSED A -- THE -- CHANGED THE STATE CONSTITUTION TO SET A HIGHER STANDARD IN CHANGING THE FLORIDA -- IN THE FLORIDA STATE -- IN THE FLORIDA STATE CONSTITUTION, SO AGAIN, PERHAPS MAYBE THE PEOPLE WANT A HIGHER SET OF STANDARDS WHEN -- WHEN TALKING ABOUT CHANGING THEIR -- THEIR CHARTER OR THEIR CONSTITUTION, SO THAT'S WHY I WOULD SUPPORT THAT THIS GOES TO THE PEOPLE AND THAT -- LET THE PEOPLE DECIDE WHETHER THEY WANT A 50% OR 60% STANDARD.

>>KEN HAGAN: WELL, I COMPLETELY AGREE WITH COMMISSIONER BECKNER.

FOR PROBABLY FOUR YEARS NOW, I'VE THOUGHT THIS WAS AN EXCELLENT PROPOSAL THAT SHOULD MOVE FORWARD; HOWEVER, EACH TIME THIS BOARD HASN'T HAD THE POLITICAL WILL TO DO SO, AND I DON'T THINK WE HAVE THE WILL TO DO SO TODAY EITHER. I THINK THAT'S UNFORTUNATE.

ANY OTHER COMMENTS?

COMMISSIONER NORMAN.

>>JIM NORMAN: WELL, COMMISSIONER, I GUESS I DISAGREE WITH YOU ON THE POLITICAL WILL COMMENT.

YOU KNOW, THERE'S ASPECTS THAT -- IT'S WHAT'S HANGING OUT THERE THAT IT LOOKS LIKE IT'S SELF-SERVING FROM THE STANDPOINT -- WHAT I -- WHAT I WOULD DO, IF -- IF THIS BOARD IS PASSIONATE ABOUT THE 60%, IS REFER IT OVER TO THE CHARTER REVIEW COMMITTEE TO CONSIDER IF THAT'S -- IF THAT'S THE APPROPRIATE -- I BELIEVE THAT IS THE APPROPRIATE PLACE IT SHOULD BE DEALT WITH.

I ACTUALLY LIKE SOME OF THE COMMENTS FROM GERALD ON PRECLEARANCE AND THINGS LIKE THAT BECAUSE, YOU KNOW, TAKING AWAY FROM ANYTHING THAT'S EVEN OUT THERE BEFORE US NOW, BUT SOMETHING THAT IS PREJUDICED OR THINGS LIKE THAT SHOULDN'T BE WALKED AROUND THIS COUNTY TO HAVE PETITIONS SIGNED ON IT.

I MEAN, THAT JUST IS INAPPROPRIATE, BUT WHAT I WOULD SUPPORT WOULD BE TO REFER THIS OVER TO THE CHARTER REVIEW COMMITTEE TO TAKE UP FROM THIS BOARD.

>>KEN HAGAN: ANY OTHER COMMENTS?

>>RENEE LEE: MR. CHAIR, THERE -- AT THE END OF THIS YEAR WE WILL START TO CONSTITUTE A CHARTER REVIEW COMMISSION SO THAT THEY WILL DO THEIR WORK AND HAVE SOMETHING READY FOR

2010, FOR THE BALLOT IN 2010, JUST TO GIVE YOU THE TIMING OF THAT.

>>ROSE FERLITA: MR. CHAIRMAN.

WOULD YOU CLARIFY THAT, MS. LEE.

WHAT ARE THEY GOING TO -- WITHOUT US DOING ANYTHING, MARY HELEN, WHAT ARE THEY GOING TO DO?

>>MARY HELEN FARRIS: ACCORDING TO THE SCHEDULE, THIS FALL EACH BOARD MEMBER CAN APPOINT TWO PEOPLE TO THE CHARTER REVIEW BOARD.

IN THE PAST THEY'VE STARTED MEETING IN FEBRUARY.

IF -- AND THEY CAN REVIEW THE ENTIRE CHARTER, THEY ENTERTAIN A LOT OF SPEAKERS, THEY LEARN A LOT, AND THEY CAN ENTERTAIN PROPOSALS.

THIS COULD CERTAINLY BE ONE OF THEM THAT COULD BE BROUGHT TO THEM.

IF THEY GET AN IDEA AND A RESOLUTION READY IN TIME FOR THE TIMELINE TO PUT IT ON THE 2010 BALLOT, IT CAN GO ON THERE. THERE'S PLENTY OF TIME FOR THEM TO DO THAT, SO --

>>ROSE FERLITA: SO IN DOING THAT PROCESS, THEN, WE'RE DELEGATING THE AUTHORITY TO THEM TO DECIDE YES OR NO, WE DON'T ULTIMATELY VOTE THEN?

>>MARY HELEN FARRIS: CORRECT.

THE CHARTER REVIEW BOARD'S PROPOSALS DO NOT COME BACK BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR ANY KIND OF APPROVAL.

THEY GO STRAIGHT TO THE SUPERVISOR TO BE PUT ON THE BALLOT, JUST LIKE THE CITIZEN INITIATIVE DOES NOT COME BACK TO THIS BOARD FOR APPROVAL.

>>ROSE FERLITA: THANK YOU, MARY HELEN.

I KIND OF SUSPECTED THAT'S WHAT IT WAS, AND THAT'S WHERE I WOULD HAVE MY DILEMMA BECAUSE JUST LIKE WE REFER TO STAFF FOR INFORMATION ON THINGS, BUT ULTIMATELY IT COMES BACK TO US, I EITHER HAVE TO SUPPORT IT OR NOT SUPPORT IT, AND I THINK AT THIS POINT THE PERCEPTION WOULD BE THAT PERHAPS WE'RE INCREASING THE PERCENTAGE THAT WOULD BE NEEDED TO BE ACCUMULATED BECAUSE OF THE COUNTY MAYOR AND OTHER ISSUES, SO I THINK WE ARE RESPONSIBLE IN TERMS OF PERCEPTIONS OR THE PERCEPTIONS THAT WE CREATE, SO I'M NOT GOING TO SUPPORT IT BECAUSE I WON'T BE THE LAST ONE THAT SAYS YES OR NO IN TERMS OF WHAT MY OPINION IS.

>>KEN HAGAN: COMMISSIONER NORMAN.

>>JIM NORMAN: THE CHARTER REVIEW COMMITTEE -- AND GERALD HAS SERVED ON IT MULTIPLE TIMES.

IT TAKES I BELIEVE TEN VOTES TO MOVE SOMETHING FORWARD TO A BALLOT INITIATIVE, AND IT IS DEBATED, IT IS -- THEY HAVE SPEAKERS, THEY HAVE, YOU KNOW, PROS AND CONS ON EVERYTHING, AND THEY TAKE ALL THE TIME THEY NEED, UP TO, WHAT, A YEAR TO --

>>MARY HELEN FARRIS: YES.

THEY'VE HISTORICALLY MET THAT WHOLE YEAR.

>>JIM NORMAN: RIGHT.

-- TO BE ABLE TO BRING AN INITIATIVE FORWARD OR NOT.

FOLKS, I BELIEVE THIS IS GOING TO BE TAKEN UP ANYWAY.

I MEAN, THIS IS SOMETHING THAT -- BUT MY ONLY HEARTBURN IS THAT THIS BOARD PASSES IT WHEN IT LOOKS LIKE IT'S SELF-SERVING.

IF -- IF THE CHARTER REVIEW COMMITTEE IN ITS WISDOM WANTS TO TAKE THIS OR ANY OTHER ITEM TOWARDS A BALLOT, IT TAKES, LIKE I SAID, TEN VOTES TO DO IT, AND I -- I WOULD SUPPORT THAT DIALOGUE OCCURRING, AND ACTUALLY, I WOULD MOVE THAT

WE -- WE SEND A LETTER OVER -- HOLD IT IN ABEYANCE BUT THAT  
WHEN THEY ARE CONSTITUTED THAT THEY -- THAT WE ASK THEM TO  
HAVE THIS -- THIS DISCUSSION IF IT'S APPROPRIATE FOR THIS  
COUNTY TO HAVE THE 60%.

I WOULD MAKE THAT MOTION.

>>KEN HAGAN: COMMISSIONER HIGGINBOTHAM.

>>AL HIGGINBOTHAM: COULD THEY TAKE THIS UP ON THEIR OWN  
INITIATIVE ANYWAY?

>> YES.

>>AL HIGGINBOTHAM: OKAY.

SO WE COULD STILL SEND A LETTER THAT WE HAVE --

>>JIM NORMAN: YOU COULD INDIVIDUALLY SEND A LETTER IF  
YOU'D LIKE, BUT I JUST THOUGHT SINCE IT'S A DIALOGUE THAT  
GOT FOUR VOTES FROM THIS BOARD LAST TIME AND I WASN'T ONE  
OF THE ONES, I THINK IT SHOULD BE AT ANOTHER FORUM, NOT  
HERE THAT WE WOULD ACTUALLY VOTE ON IT LOOKING LIKE IT'S  
SELF-SERVING.

>>AL HIGGINBOTHAM: YEAH.

>>KEN HAGAN: RENEE.

>>RENEE LEE: MR. CHAIR, I WANT TO ADD JUST ANOTHER PIECE  
OF INFORMATION TO THIS DISCUSSION SO THAT YOU CAN MAKE A  
DECISION ABOUT THIS, AND THIS IS ABOUT TIMING, AND CHARTER  
AMENDMENTS BY ORDINANCE CAN BE VOTED ON AT SPECIAL  
ELECTIONS OR REGULAR ELECTIONS.

CHARTER REVIEW AND INITIATIVE AMENDMENTS ARE ONLY VOTED ON  
AT THE NEXT GENERAL ELECTION.

>>JIM NORMAN: RIGHT.

>>RENEE LEE: SO IN TERMS OF TIMING, YOUR -- IF THE BOARD  
PASSED THIS TO GO ON REFERENDUM, IT COULD GO ON AT A  
SPECIAL ELECTION OR AT A PRIMARY ELECTION.

>>KEN HAGAN: OKAY.

WE HAVE A MOTION BY COMMISSIONER NORMAN, DO WE HAVE A  
SECOND?

>>JIM NORMAN: [INAUDIBLE]

>>AL HIGGINBOTHAM: I'LL SECOND.

>>KEN HAGAN: SECOND COMMISSIONER HIGGINBOTHAM.

NO FURTHER DISCUSSION, PLEASE RECORD YOUR VOTE.

>>RECORDING SECRETARY: COMMISSIONER FERLITA.

COMMISSIONER FERLITA.

MOTION CARRIED 4-2.

COMMISSIONERS FERLITA AND WHITE VOTED NO.

>>KEN HAGAN: NEXT ITEM.