

DECEMBER 12, 2005 - CHARTER REVIEW BOARD - DRAFT MINUTES

The Charter Review Board (CRB), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, December 12, 2005, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present:

Jan Platt, Chairman	Jim Porter (arrived at 6:05 p.m.)
Terry Ballard	David Storck
Ralph Fisher	Mitch Thrower
Hung Mai	Gerald White
A. J. (Marc) Mandt	Janet Wilson
Sharon Miller (arrived at 6:12 p.m.)	
Yvette Miranda-Chapman (arrived at 6:11 p.m.)	

The following members were absent:

Keith Hall	Bethany Leytham
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Chairman Platt called the meeting to order at 6:02 p.m., led in the pledge of allegiance to the flag, and requested a moment of silent prayer.

PUBLIC COMMENT

Chairman Platt called for public comment; there was no response.

STAFF UPDATE

Ms. Shelley Blood, CRB Director, noted financial reports contained in background material. In response to Mr. Storck, Ms. Blood reviewed advertising costs and confirmed Mr. White was the only one who spoke during public comment at the last CRB meeting. Mr. Storck referenced the amount spent on advertising and pointed out the public still had not attended.

CORRESPONDENCE

Ms. Blood noted correspondence from Mr. Jason Cronk regarding eminent domain and from Mr. White regarding a County mayor, and an e-mail from Mr. Ron Wolfe. Chairman Platt confirmed Mr. White's information would be discussed under new business. Mr. Thrower stated minutes were not approved at the last meeting, since there was no quorum. Chairman Platt suggested the minutes be included for approval at the next meeting. Mr. White requested the CRB website be updated with all available minutes, agendas, and transcripts. Ms. Blood would check the website for missing information. (Resumed later in the meeting.)

COUNTY ATTORNEY UPDATE

Senior Assistant County Attorney Kenneth Tinkler stated a letter was sent to the Attorney General requesting an opinion regarding the Property Appraiser's proposal on immunity from property taxation, and he hoped to have a response before the next CRB meeting. In response to Chairman Platt, Attorney Tinkler confirmed the CRB term expired February 20, 2006. Ms. Wilson stated there seemed to be a lot of opposition to having something in the charter preventing

immunity from taxes on County-owned land. She suggested language stating if the County had a contract with someone using County land, the taxes must be paid. Attorney Tinkler could research that and noted that could create issues with the contracting ability of the Board of County Commissioners (BOCC). **Ms. Wilson moved to have Attorney Tinkler research whether language could be included that whoever was making profit by using County land would have to pay the taxes; that would be in the contract or in the charter rather than eliminating immunity.** She perceived it was not fair for profit-making businesses to transfer taxes to others. **Mr. White seconded the motion for discussion.** Ms. Wilson clarified the motion and said she was not referring to Raymond James Stadium.

Chairman Platt referenced the resource recovery plant and landfills, which were operated by private business but owned by the County, and questioned if taxes were paid on those properties. Attorney Tinkler stated those were immune and noted research could be done on a payment in lieu of taxes. Chairman Platt asked if the intent was for those operations to pay taxes. Ms. Wilson opined those were public services, which was different than a company making a profit, and referenced companies listed as 501(c)(3) but were profit-making businesses. Chairman Platt did not know of any government lands in that situation and perceived the Property Appraiser was referring to sports complexes. Attorney Tinkler noted property appraisers throughout the State had ongoing issues regarding immunity. Ms. Wilson noted the CRB was to look to the future, not just at what was happening now or in the past.

Mr. Fisher stated the real issue was property taxes and caps on property taxes. Chairman Platt noted the cap was due to a constitutional amendment. Mr. Fisher perceived that even without the amendment taxes were outrageous, and elected officials needed to deal with the issue. Ms. Wilson agreed but opined that was not related to the motion. Mr. Ballard said the mechanism for handling that was through reduction of the millage. Mr. Storck agreed with comments from Mr. Fisher and provided an example of a home purchase and taxes doubling or tripling from what the former owner paid. He perceived the millage needed to be decreased and taxes capped. Mr. Fisher asked if it was legal to limit the millage in the charter. Attorney Tinkler stated the previous CRB had discussed that issue, and an Attorney General opinion was requested, which found that would violate current statutes.

Ms. Miller perceived the State statute should be reviewed, because she opined an attempt should be made to strike a balance between the appreciation of property, services the community needed, and ongoing growth. Referencing the constitutional amendment putting a cap on property taxes, Mr. Storck stated that was a prime example of how too much was being put in the constitution, and people were voting for things they did not understand. Ms. Wilson agreed and perceived that was another form of eminent domain, since property was taken from people who could not pay taxes. She perceived there was a need to cut spending to keep in line with needed services. **The motion failed two to**

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ten; Chairman Platt and members Ballard, Mai, Mandt, Miller, Miranda-Chapman, Porter, Storck, Thrower, and White voted no.

OLD BUSINESS - None.

NEW BUSINESS

Mr. White reviewed information distributed on the first CRB, noted the lack of discussion on an elected County mayor, and perceived the issue lingered due to that lack of discussion. Chairman Platt stated the issue had been discussed, and the CRB had not wanted to concentrate power into one individual. She noted the issue had been ongoing since implementation of the administrator form of government and discussed the sunshine law in relation to how County business was conducted in the past. Mr. White asked if Chairman Platt opined there had been a fair discussion related to an elected County mayor. Chairman Platt opined there had been, and the issue would continue to recur. Mr. White was concerned, because Attorney Mary Ann Stiles had formed a committee to put the issue on the ballot. **Mr. White moved to invite Attorney Stiles to come before the CRB at the next meeting. Ms. Miller seconded the motion for discussion.**

Mr. Storck asked the advantage of having an elected County mayor. Mr. White was not in support of an elected County mayor; he supported a countywide elected BOCC chairman but wanted the CRB to hear the concerns of Attorney Stiles. Ms. Miller asked the advantages of a countywide elected BOCC chairman. Chairman Platt mentioned that anything dealing with voting should have been brought to the CRB by October 2005 due to the timing of the Department of Justice review. Attorney Tinkler confirmed two public hearings would be required, and if action was taken, there was no guarantee the Department of Justice response would be received prior to the end of the CRB term. In response to Chairman Platt, Attorney Tinkler explained that if the Department of Justice response was received after the CRB term expired, that issue would die, and any changes suggested by the Department of Justice would be considered an objection.

Ms. Wilson asked if the petition needed to include changes to BOCC powers resulting from electing a County mayor. Attorney Tinkler noted the charter outlined what needed to be included in a petition and the Supervisor of Elections and the County Attorney's Office had created a memorandum outlining the exact number of signatures required. Attorney Tinkler referenced Section 8.03 of the charter, which outlined the initiative process, and responded to queries from Ms. Wilson regarding requirements for signatures. Mr. Ballard reviewed reasons he perceived having a County mayor would not be beneficial. Mr. Thrower left the meeting at 6:45 p.m.

Mr. Storck asked if new signatures would be needed if changes were suggested by the Department of Justice. Attorney Tinkler noted if successful, the initiative proposed by Attorney Stiles would be the first to achieve the number of signatures required by the charter, and the charter outlined that a

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copy of the proposed amendments had to be submitted with the petition. Responding to Mr. Storck, Attorney Tinkler reviewed the timeline for completion of the petition process and clarified the petition had to include language showing what would be amended.

In response to Attorney Porter, Ms. Blood noted she had not been contacted by Attorney Stiles to appear before the CRB. Attorney Porter found it curious that someone would go to the extreme measure of gathering signatures without first coming to the body that was empowered to put an issue on the ballot, but he had no objection to extending an invitation to Attorney Stiles to hear her reasoning why an elected County mayor would be positive for the County. Ms. Wilson would not support someone proposing an idea unless the opposing side was invited. Chairman Platt was concerned with implying the CRB supported what Attorney Stiles was attempting and noted Attorney Stiles could come before the CRB at any time during public comment.

Mr. Mandt stated the CRB meetings were an open process, and the issue had been discussed previously. Chairman Platt opposed a County mayor, perceiving that would create more problems than it would solve, and discussed the independence of the County, powers of constitutional officers, and the lack of time to consider the issue. Mr. White wanted to ensure voters knew the CRB could take action until the last meeting. **The motion failed two to nine; Chairman Platt and members Ballard, Fisher, Mai, Mandt, Miller, Miranda-Chapman, Storck, and Wilson voted no.**

Mr. White moved that the CRB go on record opposing an elected County mayor. The motion died for lack of a second. After noting concern regarding citizens being unable to address charter violations without going to court, Mr. White moved that the five constitutional officers of Hillsborough County serve as the Hillsborough County charter violation review board. The motion died for lack of a second. Chairman Platt would not support that, because she opined the issues should be taken to court and did not want to politicize the issue. Ms. Miranda-Chapman asked what powers the group would have. Mr. White noted those would be established by the CRB. Ms. Wilson did not believe the right to go to court could be taken away. Mr. White perceived some citizens did not have the ability to take issues to court. (Resumed later in the meeting.)

CORRESPONDENCE - RESUMED

Responding to previous queries regarding missing information on the CRB website, Ms. Blood clarified some information was blank due to meetings being canceled during the hurricane season.

NEW BUSINESS - RESUMED

Mr. White asked about the CRB executive report and if CRB members would have an opportunity to comment in the document. Chairman Platt asked if the executive report was a legal requirement. Attorney Tinkler explained previous CRBs had the executive report prepared by the CRB executive director, which

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included a summary and all documents, minutes, et cetera. He noted previous CRBs did not have a website, and the executive summary was prepared at the staff level. Chairman Platt assumed the County Attorney would aid in preparing the executive summary. Attorney Tinkler confirmed action on that could be taken at the last CRB meeting. Mr. White asked the purpose of meetings in January 2006. Chairman Platt noted an issue could come up that did not require preclearance from the Department of Justice. Mr. Ballard referenced the pending issue regarding the Attorney General opinion.

Chairman Platt adjourned the meeting at 7:10 p.m. Following a request for public comment, Chairman Platt reconvened the meeting at 7:11 p.m.

PUBLIC COMMENT

Ms. Ann White, Tampa resident, expressed concern with the process and requirements for a motion and a second before an issue could be discussed, referenced CRB advertisements including names of other entities, perceived the word charter should be used in conjunction with the word constitution, mentioned inaccuracies in CRB meeting transcripts, and noted the lack of action by the CRB. Chairman Platt asked Ms. White to provide staff with inaccurate information.

There being no further business, the meeting was adjourned at 7:18 p.m.

READ AND APPROVED: _____
CHAIRMAN

ATTEST:
PAT FRANK, CLERK

By: _____
Deputy Clerk

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