

JANUARY 30, 2006 - CHARTER REVIEW BOARD - DRAFT MINUTES

The Charter Review Board (CRB), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, January 30, 2006, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida.

The following members were present:

Jan Platt, Chairman	Sharon Miller
Terry Ballard	Jim Porter
Ralph Fisher	David Storck
Bethany Leytham	Mitch Thrower
Hung Mai	Gerald White
A. J. (Marc) Mandt	Janet Wilson

The following members were absent:

Keith Hall	Yvette Miranda-Chapman
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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.

APPROVAL OF THE JANUARY 9, 2006, MINUTES

Mr. Thrower noted he had not received a copy of the minutes. Ms. Shelley Blood, CRB Director, reported the minutes were included in the background material. Mr. Porter suggested addressing the minutes at the end of the meeting. (Resumed later in the meeting.)

PUBLIC COMMENT

Mr. Al Davis, 3724 East Wilder Avenue, complimented the CRB on its work, perceived the charter had stood the test of time and proven to be the guiding light for governance of the County, noted the opportunity was provided to review the charter for needed changes, and opined the charter was on solid ground. He stated the County was in a growth mode and hoped that as the County grew in terms of population, housing, and businesses that the quality of life would also grow.

Chairman Platt recalled the implementation of the charter and opined Mr. Davis was a role model for other citizens.

STAFF UPDATE

Ms. Blood apologized for background material not being sent out prior to the meeting and noted the financial report was included in the background material; responded to queries from Mr. Storck regarding advertising expenses; and explained the Flyer advertisement had been paid, but invoices for other advertisements had not been received. Referencing comments in a letter included in background material from Ms. Pat Frank, Clerk of the Circuit Court (Clerk), regarding a countywide tax to support the operation of libraries, Chairman Platt perceived that tax was not countywide but a tax on the unincorporated County. Senior Assistant County Attorney Kenneth Tinkler

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confirmed the tax affected the city of Tampa (Tampa) and the unincorporated area; the cities of Plant City and Temple Terrace had their own library systems with the option to join the County library system. Mr. Porter reviewed the context of the letter in response to queries from Ms. Miller. Ms. Miller stated her request was to forward the issue to the Board of County Commissioners (BOCC) for further research on depositing minutes with the library system at a local level. Chairman Platt suggested discussing the issue upon review of the letter sent to the BOCC. Ms. Blood confirmed staff was retrieving that letter. Ms. Wilson questioned the preservation of records in a warehouse. Chairman Platt noted preserving records was the responsibility of the Clerk's Office. Mr. Porter pointed out the issue was discussed at length at the last CRB meeting, and the Clerk had been present. The context of the letter sent to the BOCC was to ask the BOCC to look at who was keeping records. (Resumed later in the meeting.)

Ms. Blood stated background material included the corrected Tampa Tribune advertisement.

COUNTY ATTORNEY UPDATE

Attorney Tinkler noted a verbal opinion was received from the Attorney General regarding the Property Appraiser's proposal on immunity from property taxation. The Attorney General agreed with the County analysis that the proposal was constitutionally questionable and was not a recommended action. In response to Mr. Porter, Attorney Tinkler confirmed the Property Appraiser's counsel was included in the process and both legal analyses were sent to the Attorney General. Attorney Tinkler stated February 21, 2006, was the last possible date for a CRB meeting, and three additional meetings would be needed for the CRB to take action. Should the CRB decide to conclude that evening, the chairman should adjourn sine die, which would terminate the CRB and end sunshine obligations.

Mr. White initiated discussion on a question related to the Department of Justice, civil rights division, voting section, regarding minority voting. Attorney Tinkler confirmed the County was subject to preclearance under the Voting Rights Act. Mr. White referenced the petition drive for an elected County mayor and noted that in the history of the County and the charter, there had not been an African American elected at-large or to one of the constitutional offices, the State Attorney's Office, the Public Defender's Office, or as Chief Judge. Responding to Mr. White, Attorney Tinkler noted the Department of Justice would take into account all protected classes when looking at any change to the charter. There had not been a substantial change to the original charter since inception, only additions and realignments. Responding to Chairman Platt and Mr. White, Attorney Tinkler confirmed preclearance was required before any item could go into effect.

Chairman Platt asked if there was anything in writing regarding the elected County mayor proposal. Attorney Tinkler had checked with the Supervisor of

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Elections' Office, and the formal petition request had not been received. Responding to Mr. Porter, Attorney Tinkler reviewed deadline dates for submission of the petition and noted the item would roll over to the next general election if the deadline was not met. In response to Mr. Ballard, Attorney Tinkler stated the safest way to take something to ballot was to have the item precleared before being placed on the ballot.

Mr. White noted a resolution passed for BOCC members to swear to uphold the charter when taking the oath of office and asked what that meant to citizens. Attorney Tinkler stated that was ceremonial in nature. Attorney Tinkler responded to queries from Ms. Wilson regarding Section 8.01, amendments to the charter by the BOCC. He noted further language was included in Section 8.04, elections and notice, allowing charter amendments to be voted on in special elections or regular elections and confirmed those amendments would also have to be precleared by the Department of Justice.

OLD BUSINESS

Chairman Platt noted the letter sent to the BOCC regarding records retention had been distributed. Ms. Miller perceived the letter somewhat addressed the issue from the last meeting. Responding to concerns from Chairman Platt, Ms. Blood opined what was explained to the CRB was that whenever the Clerk's Office took minutes they were also retained by the Clerk. Ms. Wilson was concerned with where records were kept due to hurricanes and flooding. **Ms. Miller moved that after the BOCC determined which boards and councils the Clerk would be responsible for retaining records, the BOCC appoint a designee to meet with the Clerk and the library system to determine an archival method for the minutes not retained by the Clerk's Office, seconded by Ms. Wilson.**

In response to Mr. Storck, Ms. Miller noted the issue was not just missing minutes but how minutes were retained. Ms. Wilson wanted to ensure records were well preserved. Mr. Thrower stated the issue was with Historical Advisory Council minutes not being maintained properly, the law required minutes from advisory boards to be retained, and the Clerk had expressed concern with retaining minutes that were not taken by the Clerk's Office. Mr. Ballard understood statements from the Clerk were that the Clerk's Office was responsible for maintaining records for the BOCC.

Ms. Wilson understood records were on microfiche but wanted to know about records being kept at a warehouse. Mr. Mandt was under the impression records were in a safe facility. Mr. Thrower noted due to the volume of records kept, the Clerk's Office had to store records off site. Mr. Fisher perceived the Clerk was clear on not wanting to store records that were not taken by the Clerk's Office and perceived the issue was not charter related. Mr. Porter noted the issue was a funding issue, and the intent of previous action was to ask the BOCC to revisit the 1991 list of boards and councils to determine if the Clerk should be taking minutes for other boards and councils. He saw Ms.

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Miller's motion as a separate issue. Ms. Miller stated the intent was to ask the three entities to come together after the list was reviewed.

In response to comments from CRB members, Attorney Tinkler explained some boards were required to keep paper copies. He assured the CRB minutes were being taken; the issue was where they were kept. Mr. White perceived the County itself needed to maintain records rather than sending documents off for storage and hoped to see documents stored in the County Center for public access. Chairman Platt opined discussions should also include Tampa. Mr. Porter noted Tampa had a Clerk. Ms. Wilson opined it was acceptable to ask the BOCC to look into the issue due to concerns from a citizen. **The motion carried nine to three; members Fisher, Leytham, and Storck voted no.**

APPROVAL OF THE JANUARY 9, 2006, MINUTES - RESUMED

**Mr. Porter moved approval, seconded by Mr. Ballard, and carried twelve to zero.**

NEW BUSINESS

Mr. White distributed information regarding work done previously by Attorney Tinkler on the duties and rules of BOCC officers, a customer satisfaction survey, and a poll showing support for a County mayor. Hoping to use the last CRB meeting to have a town hall meeting to allow citizens to address the elected County mayor issue and the powers of the BOCC chairman, **Mr. White made that motion, seconded by Ms. Wilson.**

Ms. Miller noted CRB meetings were open to the public and anyone who desired to speak could come, perceived electing a County mayor would not fix problems, and stated nothing was done to create an ethics commission or increase the number of commissioners. She perceived problems could not be fixed by adding another layer of government. In response to Ms. Wilson, Attorney Tinkler reviewed available meeting dates. Ms. Wilson referenced information contained in the poll, perceived the CRB was almost unanimous on the County mayor not being a good idea, was concerned about propaganda, and opined town hall meetings could be used as open meetings to discuss charter changes not being supported. Mr. Porter was in favor of open dialogue but stressed that the CRB had been meeting for a year, and he had not seen an outcry for changes in the charter; he was not in favor of adding more meetings unless there was a compelling reason. Mr. Storck agreed, discussed advertisement of CRB meetings, and perceived ample opportunity had been given to speak to the CRB. He opined the County mayor issue could have been addressed during the year of CRB meetings, noted articles could be crafted to make any issue look positive, and was opposed to more meetings. Chairman Platt reported she had been contacted by Attorney Mary Ann Stiles related to HARTline, reviewed the three avenues for changing the charter, and noted she did not like to discuss or consider an issue until the issue was in writing. Mr. White was afraid citizens would be tricked or led astray, did not want to conclude his service

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without providing one last chance for citizens to place their thoughts on the record, and opined there was a leadership problem within the BOCC that could be fixed by amending current rules. **The motion failed one to eleven; Chairman Platt and members Ballard, Fisher, Leytham, Mai, Mandt, Miller, Porter, Storck, Thrower, and Wilson voted no.**

Noting he wanted to ensure staff was properly recognized for their outstanding service, **Mr. White moved to recognize staff for an outstanding job.** CRB members suggested a resolution. Attorney Tinkler agreed to prepare a resolution. **Mr. Porter seconded the motion, which carried twelve to zero.**

Draft Executive Summary - Ms. Blood had wanted to provide a chance for CRB members to provide input on the draft and recalled the intention was to put the executive summary and backup information on compact disk with a limited number of printed copies. Ms. Wilson and Chairman Platt wanted a printed copy. Ms. Blood reviewed additional items to be added to the draft executive summary. Responding to Ms. Miller, Ms. Blood hoped to have comments within a month. In response to Chairman Platt, Attorney Tinkler noted any changes would be scrivener in nature, any issues with the format should be expressed that night, and information could only be added if something was mistakenly deleted. Chairman Platt suggested a written addendum indicating changes were made. Attorney Tinkler stated disputes regarding the document could be attached to the document in a letter.

Mr. Porter perceived the intent was to allow meaningful input. Attorney Tinkler stated the CRB could schedule another meeting or could state that the CRB would not adjourn sine die but would be considered sine die as of February 21, 2006, if not recalled by the chairman. Ms. Wilson agreed there should be some way to leave things open to allow review of the document. In response to Ms. Wilson, Ms. Blood noted minutes were not included in the document, reviewed information contained in the executive summary, and stressed that previous CRBs had not been involved in creating the executive summary. Mr. Mai moved to meet again to provide all members an opportunity to review the document, seconded by Mr. White. (The motion was not voted on.)

Referencing the motion by Mr. Mai, Chairman Platt confirmed the purpose of the meeting would only be to approve the executive summary. Mr. Porter favored leaving the opportunity to schedule another meeting if the need arose and perceived there was some confusion related to the intent of the executive summary. At the request of Mr. Porter, Attorney Tinkler explained the purpose of sine die. **Mr. Porter offered a substitute motion to adjourn without adjourning sine die, and if no other issue came before the CRB, the CRB would be adjourned sine die effective February 21, 2006, seconded by Mr. Ballard.**

Chairman Platt opined staff was obligated to determine if another meeting was needed. Mr. Porter noted that was his intent, and another meeting would not be needed if corrections were related to scrivener's errors. Mr. Ballard asked to include authorization for the chairman to approve the minutes from

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that night. After confirming that was legal, **Mr. Porter agreed.** Ms. Wilson opined Attorney Tinkler had said the CRB could adjourn sine die unless the chairman called another meeting; she did not consider that due process, since the CRB just received the document. Regarding format, Attorney Tinkler noted any format could be used, but a motion was needed. In response to Ms. Miller, Ms. Blood reviewed available meeting dates. Chairman Platt noted comments needed to be submitted as soon as possible to allow time for another meeting to be scheduled and noticed. In response to Ms. Wilson, Attorney Tinkler explained staff would determine whether another meeting was needed and contact the chairman who would call the meeting. **The motion carried twelve to zero.**

Attorney Tinkler noted authorization was needed for Ms. Blood to execute the executive summary. **Mr. Porter so moved, seconded by Mr. White, and carried eleven to one; Ms. Wilson voted no.**

Mr. White mentioned concerns related to hurricane readiness, the County emergency plan, and the structure in place for dealing with emergencies. He perceived there needed to be a citizen advisory group involved in creating the emergency plan.

In response to Ms. Wilson, Ms. Blood confirmed the final vote on topics discussed was included in the executive summary. Mr. Wilson stated she voted no on the previous motion due to a procedural concern.

PUBLIC COMMENT

Ms. Ann White, Tampa resident, perceived CRB advertisements were misleading and confusing and the charter should be called constitution to not add confusion. For the public, she noted the purpose of the CRB. Ms. White opined something should have been tweaked or reviewed for placement on the ballot, hoped work that could have been done would not hamper or diminish that of past leaders, and urged that inclusion and diversity be ensured.

Mr. White commented on contributions by his wife to the community, encouraged other leaders to get involved in County government, discussed his service on the CRB, and expressed disappointment that something was not done related to increasing the BOCC membership, Hispanic representation on the BOCC, or powers of the BOCC chairman. He also was concerned that a resolution was not found for leadership issues with the BOCC and that something was not done related to campaign finance reform.

Chairman Platt thanked members for selecting her as chairman and for their service. Mr. Mandt thanked staff for their efforts and Chairman Platt for her leadership and patience.

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There being no further business, the meeting was adjourned at 7:48 p.m.

READ AND APPROVED: \_\_\_\_\_  
CHAIRMAN

ATTEST:  
PAT FRANK, CLERK

By: \_\_\_\_\_  
Deputy Clerk

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