



Alachua County Charter Review Commission

April 16, 2010

Commission Members

Robert Ackerman
Rob Brinkman
DJ Ferguson
Mitch Glaeser, Vice Chair
Armando R. Grundy-Gomes
J. K. Irby, Chair
Joseph W. Little
AuBroncee S. Martin
John Martin
Bill Richards
Jim Stringfellow
Rod Tuttle
Lura W. Williams Martin
Ashley Wood
Guy York

County Staff:
Richelle Sucara
Deputy County Manager

Alachua County
Charter Review
Commission
Attn: Richelle Sucara
P.O. Box 2877
Gainesville, FL 32602

Telephone:
352-374-5210
Fax:
352-338-7363

To: Members of the Charter Review Commission

From: J. K. Irby, Chair

Re: **Meeting Reminder**

The CRC will meet at 5:30 p.m., Monday, April 19, 2010 in the County Commission meeting room, Room 209 at the County Administration Building. Attached are the agenda and backup materials.

At the meeting on the 19th, the commission's goal should be take "Second Reading" votes on the proposals still under consideration so that we can prepare for the public hearings next month. Attorney Bleakley will present the proposals and backup information one-by-one for each of the proposals that we have previously agreed to move to this phase. After consideration, we'll take roll call votes. Those proposals receiving eight votes once again will then move forward to the public hearing phase.

Ahead we have only this meeting and then the three public hearings.



Alachua County Charter Review Commission

Agenda

Meeting: 5:30 p.m. Grace Knight Room, County Adm. Building
April 19, 2010

Commission Members

Robert Ackerman

Robert Brinkman

DJ Ferguson

Mitch Glaeser, Vice Chair

Armando R. Grundy-
Gomes

J. K. Irby, Chair

Joseph W. Little

AuBroncee S. Martin

John Martin

Bill Richards

Jim Stringfellow

Rod Tuttle

Lura W. Williams Martin

Ashley Wood

Guy York

County Staff:
Richelle Sucara
Deputy County Manager
Mary Lowry

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1. Call to order
2. Approval of the minutes of the March 24, 2010 CRC meeting.
3. General comments by members
4. Citizen comments (Please limit comments to five minutes)
5. Second Reading: Presentation of ballot language by legal counsel and “Second Reading” of proposals previously moved forward to this phase.

Action required: Determination of proposals to move forward to public hearings.
Note: Eight affirmative votes are required for a proposal to move forward.
6. Other Business
7. Adjournment

Next Meeting: First Public Hearing: May 12, 2010



Alachua County Charter Review Commission

-DRAFT-

Meeting Minutes – Wednesday, March 24, 2010

Commission Members

Robert Ackerman

Robert Brinkman

DJ Ferguson

Mitch Glaeser, Vice Chair

Armando R. Grundy-
Gomes

J. K. Irby, Chair

Joseph W. Little

AuBroncee S. Martin

John Martin

Bill Richards

Jim Stringfellow

Rod Tuttle

Lura W. Williams Martin

Ashley Wood

Guy York

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CRC Members Present: Robert Ackerman, Robert Brinkman, DJ Ferguson, Mitch Glaeser, Armando Grundy-Gomes, J.K. Irby, Joseph Little, Aubroncee Martin, John Martin, James Stringfellow, Rod Tuttle, Lura Williams Martin, Ashley Wood, Guy York

CRC Members Absent: Bill Richards

The meeting was called to order at 5:30 p.m.

1. Adoption of the Agenda

The agenda was discussed and adopted as submitted.

2. Approval of Minutes of February 24, 2010.

AuBroncee Martin moved that the February 24, 2010 minutes be accepted as presented. The motion was agreed to.

3. General comments by members.

The chair recognized any commission member wishing to make comments.

4. Citizen Comments.

The chair recognized citizens wishing to address the commission.

5. Future meeting dates

The commission reviewed the remaining meeting dates.

John Martin moved that the April 28th meeting be rescheduled and if “live” television coverage could not be accommodated that the meeting be taped for later broadcast. The motion was agreed to.

6. Counsel's update on ballot language for previously considered proposals.

Attorney Sarah Bleakly reviewed draft ballot language of current proposals and brought the commission up-to-date on their status.

7. Consideration of proposals: "Straw Votes" to prioritize proposals.

1. **John Martin moved that the** commission refer to the attorney a proposal to amend the charter Sec. 4.2 as follows:

"D) Any other provision of this County charter notwithstanding, any amendment to this Charter proposed by petition, the charter review commission or the board of county commissioners that, in whole or in part, transfers or limits a service, function, power or authority of a municipality shall be effective within or in regard to a municipality only if the amendment is approved by a majority of the voters of Alachua County voting in a referendum and also approved by a majority of the voters voting in a referendum in that municipality."

After discussion, the motion was not agreed to. 3 Yes – 10 No

2. **AuBroncee Martin moved** that the commission refer to the attorney a proposal to amend the Charter follows:

"The school superintendent for Alachua County shall be elected by the electors of the county rather than appointed by the school board."

After discussion, the motion was not agreed to. 2 Yes – 12 No

3. **Robert Brinkman moved** that the commission refer to the attorney a proposal to amend the Charter by adding:

" No person shall operate an airboat in Alachua County between 7 p.m. and 7 a.m. with exceptions for government airboats operated in the line of duty by authorized personnel, and private airboats authorized by law enforcement personnel during specific emergency incidents..."

After discussion the motion was not agreed to. 2 Yes – 12 No.

4. Rod Tuttle moved that the commission refer to the attorney a proposal to amend the Charter by adding to *Section 3.1* as follows:

“Elections for the offices of clerk of the circuit court, property appraiser, sheriff, supervisor of elections, and tax collector shall be nonpartisan and shall be conducted pursuant to law in the same manner as other nonpartisan elections.”

John Martin moved to amend the motion by adding this proposal to the previously considered proposals based on Mr. Little’s letter of January 29, 2010.

After discussion, the amendment was agreed to. 11 Yes – 3 No

After further discussion the motion as amended was agreed to. 8 Yes – 4 No.

5. Joe Little moved that the commission refer to the attorney a proposal to amend the Charter section 2.3 (B) and section 3.1 as follows:

“The office of sheriff shall be appointed by the county manager and the board of county commissioners shall by majority vote confirm the appointment.”

After discussion, the amendment was not agreed to. 7 Yes – 6 No

(Note: Commission rules require 8 affirmative vote for approval.)

6. Joe Little moved that the meeting be adjourned.

The motion to adjourn was agreed to.

The Chair adjourned the meeting.



Alachua County Charter Review Commission

Calendar of Events

Commission Members

Robert Ackerman	1/25/10	City of Newberry and City of Archer Presentations
Rob Brinkman	1/28/10	City of High Springs Presentation
DJ Ferguson		
Mitch Glaeser, Vice Chair	2/02/10	City of Hawthorne Presentation
Armando R. Grundy-Gomes	2/04/10	City of Gainesville Presentation
J. K. Irby, Chair	2/08/10	Town of Micanopy Presentation
Joseph W. Little	2/17/10	CRC regular meeting
AuBroncee S. Martin	2/22/10	City of Alachua Presentation
John Martin		
Bill Richards	3/08/10	City of LaCrosse Presentation
Jim Stringfellow	3/09/10	City of Waldo Presentation
Rod Tuttle		
Lura W. Williams Martin	3/24/10	CRC regular meeting
Ashley Wood	4/19/10	CRC regular meeting
Guy York	5/12/10	First Public Hearing on proposals receiving 8 votes
	5/26/10	Second Public Hearing on proposals receiving 8 votes
County Staff: Richelle Sucara Deputy County Manager	6/09/10	Third and Final Public Hearing and vote on proposals (Proposals receiving 8 votes at this meeting will go to ballot)
	6/22/10	Deliver final report to BoCC

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As of 3/24/10, all meetings will be held in the Jack Durrance Auditorium, 2nd floor, 12 SE 1st Street at 5:30 p.m. All meetings will be televised live.

Visit the Charter Review Commission web site:
<http://assets2.alachuacounty.us/charterreview/Default.aspx>
to link to audio or video for Charter Review Commission meetings.

Alachua Charter Review Commission
List of Tentative Questions for the Ballot
April 16, 2010

Question 1: Single Member District Elections for Board of County Commissioners.

Shall the five members of the board of county commissioners of Alachua County, Florida, be elected to office from single member districts by electors residing in each of those districts only, with no more than three districts extending to the county line?

YES
NO

Question 2: Nonpartisan Election of Board of County Commissioners.

Shall the charter of Alachua County, Florida, be amended to require that members of the board of county commissioners be chosen by vote of the electors in a nonpartisan election instead of one indicating a political party affiliation?

YES
NO

Question 3: Citizens Initiative Petition Requirements for Ordinances.

Shall the charter of Alachua County, Florida, be amended to reduce the number of electors required to petition to initiate county ordinances from seven (7) percent to five (5) percent of the total number of electors in the county as a whole in the last preceding general election?

YES
NO

Question 4: Limitation of County Commissioners' Authority to Amend or Repeal Ordinance Approved by Citizens Initiative.

Shall the charter of Alachua County, Florida, be amended to require a unanimous vote of the county commission to amend or repeal an ordinance adopted by initiative during the period of one year until five years after the effective date of such ordinance?

YES
NO

Question 5: Replacing the Board of County Commissioners with a Board of Charter Commissioners.

Effective November 16, 2010, shall the board of county commissioners of Alachua County, Florida, be replaced with a board of charter commissioners and all the functions, powers, and duties of the board of county commissioners transferred to a board of charter commissioners which shall be the legislative and the governing body of the county and allowing for further amendments to the charter posed in questions 6 through 10?

YES
NO

Question 6: Seven Member Board of Charter Commissioners, Five Elected from Districts and Two Elected County Wide.

If question 5 is adopted, shall the board of charter commissioners of Alachua County, Florida, be increased from five to seven members, with five members elected to office by only the electors in each of those districts, with no more than three districts extending to the county line, and with the other two members being elected by all electors within the county at large?

YES
NO

Question 7: Elect Five Charter Commissioners from Electors in Single Member Districts.

If question 5 is adopted and question 6 is Not adopted, shall the five members of the board of charter commissioners of Alachua County, Florida, be elected to office from single-member districts by electors residing in each of those districts only, with no more than three districts extending to the county line?

YES
NO

Question 8: Non-partisan Election of Board of Charter Commissioners.

If question 5 is adopted, shall the charter of Alachua County, Florida, be amended to require that members of the board of charter commissioners be chosen by vote of the electors in a non-partisan election instead of one indicating a political party affiliation?

YES
NO

Question 9: Term Limits for Charter Commissioners.

If question five (5) is adopted, shall no person appear on the ballot for re-election to the office of charter commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years?

YES
NO

Question 10: Limiting the Salary of the Members and the Chair of the Board of Charter Commissioners.

If question 5 is adopted, shall the charter of Alachua County, Florida, be amended to require the salary of members of the board of charter commissioners be set by ordinance and to not exceed X percent of the salary for a county commissioner in a noncharter county, and to not exceed Y percent for the chair of the salary of a county commissioner in a noncharter county of similar population, as established by general law.

YES
NO

Question 11: Abolishing constitutional officers and replacing with charter officers elected in a nonpartisan election.

Shall the charter of Alachua County, Florida, be amended to abolish the existing constitutional offices and officers of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections, have all the duties transferred to charter offices with the same respective names and duties, and have the election of such charter officers be chosen by vote of the electors in a non-partisan election, instead of one indicating a political party affiliation?

YES
NO

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1 A resolution proposing an amendment to the Legislative
2 Branch section of the Home Rule Charter; amending
3 subsections (A) and (B) of Section 2.2; requiring the territory
4 of the county be divided equally among five separate districts;
5 providing for the election of one commissioner from each
6 district from the electors of the district; providing that no more
7 than three districts shall extend to the county line; deleting the
8 requirement for county wide elections of commissioners;
9 providing for transition to single member district elections of
10 commissioners; providing for referendum approval at the
11 general election in 2010; providing effective dates.

12
13 **Be it resolved by the Charter Review Commission of Alachua County,**
14 **Florida:**

15
16 Section 1. Subsections (A) and (B) of Section 2.2 of the Home Rule
17 Charter of Alachua County are amended to read:

18 Sec. 2.2. Legislative branch.

19 (A) *The county commission.* The governing body of the county shall be
20 a board of county commissioners composed of five (5) members serving
21 staggered terms of four (4) years. There shall be one (1) commissioner for each
22 of the five (5) county commission districts. The territory of each district shall be
23 established by dividing the county into five separate areas, designated as

1 districts one through five respectively, as nearly equal in population as
2 practicable. The districts shall be established with no more than three districts
3 extending to the county line. ~~established pursuant to general law and they~~ Each
4 commissioner shall be elected by electors of each respective district. ~~on a~~
5 ~~countywide basis by the electors of the county.~~ Each candidate for the office of
6 county commissioner shall reside within the district from which such candidate
7 seeks election at the time of qualifying to run for that office, and during the term
8 of office each commissioner shall reside in the district from which such
9 commissioner ran for office, provided that any commissioner who is removed
10 from a district by redistricting may continue to serve during the balance of the
11 term of office.

12 (B) Transition to Single Member Districts. In accordance with
13 subsection (A), to provide for a transition from county wide elections to single
14 member district elections, the board of county commissioners shall provide for
15 the election of commissioners by the district's respective electors commencing
16 with the primary and general elections to be held in 2012 for commissioners
17 representing district one, district three and district five. Commencing with the
18 primary and general election in 2014, commissioners representing district two
19 and district four shall be elected by the respective district's electors.

20 (C) *Redistricting.* County commission district boundaries shall be
21 changed only after notice and a public hearing as provided by general law. The
22 territory of each district shall be adjusted periodically in accordance with general
23 law and subsection (A) of this section.

1 Section 2. Referendum. The following question shall be presented to the
2 electors at the 2010 general election:

3 **Single Member District Elections for Board of County**
4 **Commissioners.**

5 Shall the five members of the board of county commissioners of
6 Alachua County, Florida, be elected to office from single member
7 districts by electors residing in each of those districts only, with no
8 more than three districts extending to the county line?

9
10 YES for approval _____

11 NO for rejection _____

12
13 Section 3. Effective Dates. This resolution shall take effect upon approval
14 by a majority of the electors voting in the 2010 general election, provided that
15 section 2 shall take effect upon adoption by resolution of the board of county
16 commissioners in accordance with Paragraph (B)(5) Section 4.2 of the Alachua
17 County Home Rule Charter.

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A resolution proposing an amendment to the Legislative Branch section of the Home Rule Charter; amending subsection (A) of Section 2.2, relating to the election of the members of the board of county commissioners; requiring a nonpartisan election of such members instead of one indicating a political party affiliation; deleting obsolete language; providing for referendum approval at the general election in 2010; providing effective dates.

Be it resolved by the Charter Review Commission of Alachua County, Florida:

Section 1. Subsections (A) of Section 2.2 of the Home Rule Charter of Alachua County is amended to read:

Sec. 2.2. Legislative branch.

(A) *The county commission.* The governing body of the county shall be a board of county commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one (1) commissioner for each of the five (5) county commission districts established pursuant to general law and they shall be elected in a nonpartisan election on a countywide basis by the electors of the county. ~~Each candidate for the office of county commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office, and during~~ During the term of office each

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Non-Partisan Election of Board of County Commissioners: Question 2
April 16, 2010

1 commissioner shall reside in the district from which such commissioner ran for
2 office, provided that any commissioner who is removed from a district by
3 redistricting may continue to serve during the balance of the term of office.

4 Section 2. Referendum. The following question shall be presented to the
5 electors at the 2010 general election:

6 **Nonpartisan Election of Board of County Commissioners.**

7 Shall the charter of Alachua County, Florida, be amended to require
8 that members of the board of county commissioners be chosen by
9 vote of the electors in a nonpartisan election instead of one
10 indicating a political party affiliation?

11
12 YES for approval _____

13 NO for rejection _____

14
15 Section 3. Effective Dates. This resolution shall take effect upon approval
16 by a majority of the electors voting in the 2010 general election, provided that
17 section 2 shall take effect upon adoption by resolution of the board of county
18 commissioners in accordance with Paragraph (B)(5) Section 4.2 of the Alachua
19 County Home Rule Charter.

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A resolution proposing an amendment to the Legislative Branch section of the Home Rule Charter; amending subsection (H) of Section 2.2; reducing the number of electors required to petition to initiate county ordinances from seven (7) percent to five (5) percent of the total number of electors in the county as a whole in the last preceding general election; providing for referendum approval at the general election in 2010; providing effective dates.

Be it resolved by the Charter Review Commission of Alachua County, Florida:

Section 1. Subsection (H) of Section 2.2 of the Home Rule Charter of Alachua County is amended to read:

Sec. 2.2. Legislative branch.

(H) *Initiative.*

(1) The electors of Alachua County shall have the right to initiate county ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition by a number of electors qualified to vote equal to five (5) ~~seven (7)~~ percent of their total number in the county as a whole in the last preceding general election.

(2) The sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the supervisor of

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Citizens Initiative Petition Requirements for Ordinance Adoption: Question 3
April 16, 2010

1 elections, with the form on which signatures will be affixed, and shall obtain the
2 approval of the supervisor of elections of such form. The style and requirements
3 of such form shall be specified by ordinance. The beginning date of any petition
4 drive shall commence upon the date of approval by the supervisor of elections of
5 the form on which signatures will be affixed, and said drive shall terminate one
6 hundred eighty (180) days after that date. In the event sufficient signatures are
7 not acquired during that one hundred eighty (180) day period, the petition
8 initiative shall be rendered null and void and none of the signatures may be
9 carried over onto another identical or similar petition. The sponsor shall submit
10 signed and dated forms to the supervisor of elections and upon submission shall
11 pay all fees as required by general law. The supervisor of elections shall within
12 forty-five (45) days verify the signatures thereon.

13 (3) Within sixty (60) days after the requisite number of names have
14 been verified by the supervisor of elections and reported to the county
15 commission, the county commission shall notice and hold a public hearing on the
16 proposed ordinance according to law and vote on it. If the county commission
17 fails to adopt the proposed ordinance, it shall, by resolution, call a referendum on
18 the question of the adoption of the proposed ordinance to be held at the next
19 general election occurring at least forty-five (45) days after the adoption of such
20 resolution. If the question of the adoption of the proposed ordinance is approved
21 by a majority of those registered electors voting on the question, the proposed
22 ordinance shall be declared by resolution of the county commission to be
23 enacted and shall become effective on the date specified in the ordinance, or, if

1 not so specified, on January 1 of the succeeding year. The county commission
2 shall not amend or repeal an ordinance adopted by initiative for a period of one
3 (1) year after the effective date of such ordinance.

4 (4) The right to initiate county ordinances shall not include ordinances
5 establishing, amending or repealing the county budget, existing debt obligations,
6 the comprehensive plan of the county, or the zoning or re-zoning of land.

7 Section 2. Referendum. The following question shall be presented to the
8 electors at the 2010 general election:

9 **Citizens Initiative Petition Requirements for Ordinances.**

10 Shall the charter of Alachua County, Florida, be amended to reduce
11 the number of electors required to petition to initiate county
12 ordinances from seven (7) percent to five (5) percent of the total
13 number of electors in the county as a whole in the last preceding
14 general election?

15
16 YES for approval _____

17 NO for rejection _____

18
19 Section 3. Effective Dates. This resolution shall take effect upon approval
20 by a majority of the electors voting in the 2010 general election, provided that
21 section 2 shall take effect upon adoption by resolution of the board of county
22 commissioners in accordance with Paragraph (B)(5) Section 4.2 of the Alachua
23 County Home Rule Charter.

Citizens Initiative Petition Requirements for Ordinance Adoption: Question 3
April 16, 2010

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A resolution proposing an amendment to the Legislative Branch section of the Home Rule Charter; amending subsection (H) of Section 2.2, relating to citizen initiatives for the adoption of an ordinance; revising the one year prohibition against the county commission amending or repealing an ordinance approved by a citizen initiative; authorizing the commission to amend or repeal such an ordinance only by unanimous vote of the membership during the time period of the first year through the fifth year after the effective date of such an ordinance; providing for referendum approval at the general election in 2010; providing effective dates.

Be it resolved by the Charter Review Commission of Alachua County, Florida:

Section 1. Subsection (H) of Section 2.2 of the Home Rule Charter of Alachua County is amended to read:

Sec. 2.2. Legislative branch.

(H) *Initiative.*

(1) The electors of Alachua County shall have the right to initiate county ordinances in order to establish new ordinances and to amend or repeal

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Limitation of County Commissioners' Authority to Amend or Repeal Ordinance
Approved by Citizens Initiative: Question 4
April 16, 2010

1 existing ordinances upon petition by a number of electors qualified to vote equal
2 to seven (7) percent of their total number in the county as a whole in the last
3 preceding general election.

4 (2) The sponsor of an initiative ordinance shall, prior to obtaining any
5 signatures, submit the text of the proposed ordinance to the supervisor of
6 elections, with the form on which signatures will be affixed, and shall obtain the
7 approval of the supervisor of elections of such form. The style and requirements
8 of such form shall be specified by ordinance. The beginning date of any petition
9 drive shall commence upon the date of approval by the supervisor of elections of
10 the form on which signatures will be affixed, and said drive shall terminate one
11 hundred eighty (180) days after that date. In the event sufficient signatures are
12 not acquired during that one hundred eighty (180) day period, the petition
13 initiative shall be rendered null and void and none of the signatures may be
14 carried over onto another identical or similar petition. The sponsor shall submit
15 signed and dated forms to the supervisor of elections and upon submission shall
16 pay all fees as required by general law. The supervisor of elections shall within
17 forty-five (45) days verify the signatures thereon.

18 (3) Within sixty (60) days after the requisite number of names have
19 been verified by the supervisor of elections and reported to the county
20 commission, the county commission shall notice and hold a public hearing on the
21 proposed ordinance according to law and vote on it. If the county commission
22 fails to adopt the proposed ordinance, it shall, by resolution, call a referendum on

**Limitation of County Commissioners' Authority to Amend or Repeal Ordinance
Approved by Citizens Initiative: Question 4
April 16, 2010**

1 the question of the adoption of the proposed ordinance to be held at the next
2 general election occurring at least forty-five (45) days after the adoption of such
3 resolution. If the question of the adoption of the proposed ordinance is approved
4 by a majority of those registered electors voting on the question, the proposed
5 ordinance shall be declared by resolution of the county commission to be
6 enacted and shall become effective on the date specified in the ordinance, or, if
7 not so specified, on January 1 of the succeeding year. The county commission
8 shall not amend or repeal an ordinance adopted by initiative for a period of one
9 (1) year after the effective date of such ordinance; and for the time period of year
10 one through year five after the effective date of such ordinance, the county
11 commission may amend or repeal such ordinance only upon unanimous vote of
12 the membership.

13 (4) The right to initiate county ordinances shall not include ordinances
14 establishing, amending or repealing the county budget, existing debt obligations,
15 the comprehensive plan of the county, or the zoning or re-zoning of land.

16 Section 2. Referendum. The following question shall be presented to the
17 electors at the 2010 general election:

**Limitation of County Commissioners' Authority to Amend or
Repeal Ordinance Approved by Citizens Initiative.**

20 Shall the charter of Alachua County, Florida, be amended to require
21 a unanimous vote of the county commission to amend or repeal an

**Limitation of County Commissioners' Authority to Amend or Repeal Ordinance
Approved by Citizens Initiative: Question 4
April 16, 2010**

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ordinance adopted by initiative during the period of one year until
five years after the effective date of such ordinance?

YES for approval _____

NO for rejection _____

Section 3. Effective Dates. This resolution shall take effect upon approval
by a majority of the electors voting in the 2010 general election, provided that
section 2 shall take effect upon adoption by resolution of the board of county
commissioners in accordance with Paragraph (B)(5) Section 4.2 of the Alachua
County Home Rule Charter.

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A resolution proposing an amendment to the Legislative Branch section of the Home Rule Charter; amending Section 2.2; replacing the board of county commissioners with the board of charter commissioners as governing body of the county; transferring all the powers, duties and functions of the board of county commissioners to the board of charter commissioners; deleting obsolete provisions; providing directions to charter reviser; providing for transition to the board of charter commissioners effective November 16, 2010; providing for referendum approval at the general election in 2010; providing effective dates.

Be it resolved by the Charter Review Commission of Alachua County, Florida:

Section 1. Subsections (A), (B) and (C), of Section 2.2 of the Home Rule Charter of Alachua County are amended, and subsection (D) is added, to read:
Sec. 2.2. Legislative branch.

(A) *The charter ~~county~~ commission.* The governing body of the county shall be a board of charter ~~county~~ commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one (1) commissioner for each of the five (5) charter ~~county~~ commission districts established pursuant to general law and they shall be elected on a countywide basis by the electors of

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1 the county. ~~Each candidate for the office of county commissioner shall reside~~
2 ~~within the district from which such candidate seeks election at the time of~~
3 ~~qualifying to run for that office, and during~~ During the term of office each
4 commissioner shall reside in the district from which such commissioner ran for
5 office, provided that any commissioner who is removed from a district by
6 redistricting may continue to serve during the balance of the term of office.

7 (B) *Redistricting.* Charter County commission district boundaries shall
8 be changed only after notice and a public hearing as provided by general law.

9 (C) *Salaries and other compensation.* Salaries and other
10 compensation of the charter county commissioners shall be set by county
11 ordinance and shall be the same as those set by general law for the county
12 commissioners of noncharter counties.

13 (D) Transition to Board of Charter Commissioners. Effective November
14 16, 2010, the board of county commissioners shall be replaced by the board of
15 charter commissioners and all the powers, duties and functions of the board of
16 county commissioners shall be transferred to the board of charter
17 commissioners.

18 Section 2. Charter Revision Directions. Every place the term “county
19 commissioner” appears in the Home Rule Charter, it shall be changed to the term
20 “charter commissioner”.

21 Section 3. Referendum. The following question shall be presented to the
22 electors at the 2010 general election:

1 **Replacing the Board of County Commissioners with a Board of**
2 **Charter Commissioners.**

3 Effective November 16, 2010, shall the board of county
4 commissioners of Alachua County, Florida, be replaced with a
5 board of charter commissioners and all the functions, powers, and
6 duties of the board of county commissioners transferred to a board
7 of charter commissioners which shall be the legislative and the
8 governing body of the county and allowing for further amendments
9 to the charter posed in questions 6 through 10?

10
11 YES for approval _____

12 NO for rejection _____

13
14 Section 4. Effective Dates. This resolution shall take effect on November
15 16, 2010 upon approval by a majority of the electors voting in the 2010 general
16 election, provided that section 3 shall take effect upon adoption by resolution of
17 the board of county commissioners in accordance with Paragraph (B)(5) Section
18 4.2 of the Alachua County Home Rule Charter.

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1 A resolution proposing an amendment to the Legislative
2 Branch section of the Home Rule Charter; amending Section
3 2.2; replacing the board of county commissioners with the
4 board of charter commissioners as governing body of the
5 county; transferring all the powers, duties and functions of the
6 board of county commissioners to the board of charter
7 commissioners; providing the charter commission shall
8 consist of seven members; requiring the territory of the county
9 be divided equally among five separate districts; providing for
10 the election of one commissioner from each district from the
11 electors of the district; providing that no more than three
12 districts shall extend to the county line; providing that two
13 commissioners be elected at large from the electors of the
14 entire county; providing for transition to single member
15 district elections of commissioners; deleting obsolete
16 provisions; providing directions to charter reviser; providing
17 for transition to the board of charter commissioners effective
18 November 16, 2010; providing for referendum approval at the
19 general election in 2010; providing effective dates.

20
21 **Be it resolved by the Charter Review Commission of Alachua County,**
22 **Florida:**

1 Section 1. Contingent upon the adoption of question 5 by the electors at
2 the November 2010 general election, Subsections (A), (B) and (C), of Section 2.2
3 of the Home Rule Charter of Alachua County are amended, and subsection (D) is
4 added, to read:

5 Sec. 2.2. Legislative branch.

6 (A) *The charter county commission.* The governing body of the county
7 shall be a board of charter county commissioners composed of ~~five (5)~~ seven (7)
8 members serving staggered terms of four (4) years. There shall be one (1)
9 commissioner for each of the five (5) charter county commission districts
10 established pursuant to general law and there shall be two commissioners from
11 the county as a whole. The territory of each single-member district shall be
12 established by dividing the county into five separate areas, designated as
13 districts one through five, respectively, as nearly equal in population as
14 practicable. The districts shall be established with no more than three districts
15 extending to the county line. Commissioner representing districts one through
16 five shall be elected by electors of the respective district only. Two
17 commissioners and they shall be elected on a countywide basis by the electors
18 of the entire county. One of the commissioners elected on a countywide basis
19 shall be designated as serving district one and shall serve as the chair of the
20 charter commission; the other commissioner elected on a countywide basis shall
21 be designated as serving district two and shall serve as vice chair of the charter
22 commission. Each candidate for the office of county commissioner shall reside
23 within the district from which such candidate seeks election at the time of

1 ~~qualifying to run for that office, and during~~ During the term of office each
2 commissioner shall reside in the district from which such commissioner ran for
3 office, provided that any commissioner who is removed from a district by
4 redistricting may continue to serve during the balance of the term of office.

5 (B) *Redistricting.* Charter County commission district boundaries shall
6 be changed only after notice and a public hearing as provided by general law.
7 The territory of each single-member district shall be adjusted periodically in
8 accordance with general law and subsection (A) of this section.

9 (C) *Salaries and other compensation.* Salaries and other
10 compensation of the charter county commissioners shall be set by county
11 ordinance and shall be the same as those set by general law for the county
12 commissioners of noncharter counties.

13 (D) Transition to Board of Charter Commissioners with Single Member
14 Districts.

15 1. Effective November 16, 2010, the board of county commissioners
16 shall be replaced by the board of charter commissioners and all the powers,
17 duties and functions of the board of county commissioners shall be transferred to
18 the board of charter commissioners In accordance with subsection (A), to
19 provide for a transition from five to seven members of the board of charter
20 commissioners with five elected from single member districts, the board of
21 charter commissioners shall provide for the election of commissioners by the
22 district's respective electors commencing with the primary and general elections
23 to be held.

1 2. In the 2012 elections, five charter commission members shall be
2 elected. The five commissioners shall be elected from districts 1, 3, 5, 6, and 7.
3 At large district 1, and single-member districts 3, 5, and 7 shall be for a term of
4 four years. Single-member district 6 shall be for elected a term of two years. The
5 two (2) individuals elected to the former Board of County Commissioners for
6 district 2 and district 4 in 2010 shall assume the remaining two (2) charter
7 commission seats for district 2 and 4 respectively for a term of two years or until
8 the normal expiration of their term or until the election and qualification of their
9 successor as provided by law.

10 3. In 2014, three charter commissioners shall be elected for a term of
11 4 years. Of the three, two shall be elected in districts 4 and 6 for a term of four
12 years and the at large district 2 commissioner shall be elected by the electors
13 county-wide.

14 Section 2. Charter Revision Directions. Every place the term “county
15 commissioner” appears in the Home Rule Charter, it shall be changed to the term
16 “charter commissioner”.

17 Section 3. Referendum. The following question shall be presented to the
18 electors at the 2010 general election:

19 **Seven Member Board of Charter Commissioners, Five Elected**
20 **from Districts and Two Elected County Wide.**

21 If question 5 is adopted, shall the board of charter commissioners
22 of Alachua County, Florida, be increased from five to seven

1 members, with five members elected to office by only the electors
2 in each of those districts, with no more than three districts
3 extending to the county line, and with the other two members being
4 elected by all electors within the county at large?

5
6 YES for approval _____

7 NO for rejection _____

8
9 Section 4. Effective Dates. If question 5 is adopted, this resolution shall
10 take effect on November 16, 2010 upon approval by a majority of the electors
11 voting in the 2010 general election, provided that section 3 shall take effect upon
12 adoption by resolution of the board of county commissioners in accordance with
13 Paragraph (B)(5) Section 4.2 of the Alachua County Home Rule Charter.

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1 A resolution proposing an amendment to the Legislative
2 Branch section of the Home Rule Charter; amending Section
3 2.2; replacing the board of county commissioners with the
4 board of charter commissioners as governing body of the
5 county; transferring all the powers, duties and functions of the
6 board of county commissioners to the board of charter
7 commissioners; deleting obsolete provisions; providing
8 directions to charter reviser; providing for transition to the
9 board of charter commissioners effective November 16, 2010;
10 requiring the territory of the county be divided equally among
11 five separate districts; providing for the election of one
12 commissioner from each district from the electors of the
13 district; providing that no more than three districts shall
14 extend to the county line; deleting the requirement for county
15 wide elections of commissioners; providing for transition to
16 single member district elections of commissioners; providing
17 for referendum approval at the general election in 2010;
18 providing effective dates.

19
20 **Be it resolved by the Charter Review Commission of Alachua County,**
21 **Florida:**
22

1 Section 1. Contingent upon the adoption of question 5 and the rejection of
2 question 6 by the electors at the November 2010 general election, Subsections
3 (A), (B) and (C), of Section 2.2 of the Home Rule Charter of Alachua County are
4 amended, and subsection (D) is added, to read:

5 Sec. 2.2. Legislative branch.

6 (A) *The charter county commission.* The governing body of the county
7 shall be a board of charter county commissioners composed of five (5) members
8 serving staggered terms of four (4) years. There shall be one (1) commissioner
9 for each of the five (5) charter county commission districts established pursuant
10 to general law. The territory of each district shall be established by dividing the
11 county into five separate areas, designated as districts one through five
12 respectively, as nearly equal in population as practicable. The districts shall be
13 established with no more than three districts extending to the county line.
14 ~~established pursuant to general law and they~~ Each commissioner shall be
15 ~~elected by electors of each respective district. a countywide basis by the electors~~
16 ~~of the county. Each candidate for the office of county commissioner shall reside~~
17 ~~within the district from which such candidate seeks election at the time of~~
18 ~~qualifying to run for that office, and during~~ During the term of office each
19 commissioner shall reside in the district from which such commissioner ran for
20 office, provided that any commissioner who is removed from a district by
21 redistricting may continue to serve during the balance of the term of office

22 (B) *Redistricting.* Charter County commission district boundaries shall
23 be changed only after notice and a public hearing as provided by general law.

1 The territory of each district shall be adjusted periodically in accordance with
2 general law and subsection (A) of this section.

3 (C) *Salaries and other compensation.* Salaries and other
4 compensation of the charter ~~county~~ commissioners shall be set by county
5 ordinance and shall be the same as those set by general law for the county
6 commissioners of noncharter counties.

7 (D) Transition to Board of Charter Commissioners with Single Member
8 Districts. Effective November 16, 2010, the board of county commissioners shall
9 be replaced by the board of charter commissioners and all the powers, duties
10 and functions of the board of county commissioners shall be transferred to the
11 board of charter commissioners. In accordance with subsection (A), to provide
12 for a transition from county wide elections to single member district elections, the
13 board of county commissioners shall provide for the election of commissioners by
14 the district's respective electors commencing with the primary and general
15 elections to be held in 2012 for commissioners representing district one, district
16 three and district five. Commencing with the primary and general election in
17 2014, commissioners representing district two and district four shall be elected by
18 the respective district's electors.

19 Section 2. Charter Revision Directions. Every place the term "county
20 commissioner" appears in the Home Rule Charter, it shall be changed to the term
21 "charter commissioner".

22 Section 3. Referendum. The following question shall be presented to the
23 electors at the 2010 general election:

1 **Elect Five Charter Commissioners from Electors in Single**
2 **Member Districts.**

3 If question 5 Is adopted and question 6 is Not adopted, shall the
4 five members of the board of charter commissioners of Alachua
5 County, Florida, be elected to office from single-member districts
6 by electors residing in each of those districts only, with no more
7 than three districts extending to the county line?

8
9 YES for approval _____

10 NO for rejection _____

11
12 Section 4. Effective Dates. If question 5 is adopted and question 6 is not
13 adopted, this resolution shall take effect on November 16, 2010 upon approval by
14 a majority of the electors voting in the 2010 general election, provided that
15 section 3 shall take effect upon adoption by resolution of the board of county
16 commissioners in accordance with Paragraph (B)(5) Section 4.2 of the Alachua
17 County Home Rule Charter.

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1 A resolution proposing an amendment to the Legislative
2 Branch section of the Home Rule Charter; amending Section
3 2.2; replacing the board of county commissioners with the
4 board of charter commissioners as governing body of the
5 county; transferring all the powers, duties and functions of the
6 board of county commissioners to the board of charter
7 commissioners; deleting obsolete provisions; contingent upon
8 question 5 being approved, requiring a non-partisan election
9 of the members of the board of charter commissioners instead
10 of one indicating a political party affiliation; providing
11 directions to charter reviser; providing for transition to the
12 board of charter commissioners effective November 16, 2010;
13 providing for referendum approval at the general election in
14 2010; providing effective dates.

15
16 **Be it resolved by the Charter Review Commission of Alachua County,**
17 **Florida:**

18
19 Section 1. Contingent upon the adoption of question 5 by the electors at
20 the November 2010 general election, Subsections (A), (B) and (C), of Section 2.2
21 of the Home Rule Charter of Alachua County are amended, and subsection (D) is
22 added, to read:

23 Sec. 2.2. Legislative branch.

Nonpartisan Election of Board of Charter Commissioners: Question 8
April 16, 2010

1 (A) *The charter ~~county~~ commission.* The governing body of the county
2 shall be a board of charter ~~county~~ commissioners composed of five (5) members
3 serving staggered terms of four (4) years. There shall be one (1) commissioner
4 for each of the five (5) charter ~~county~~ commission districts established pursuant
5 to general law and they shall be elected in a non-partisan election on a
6 countywide basis by the electors of the county. ~~Each candidate for the office of~~
7 ~~county commissioner shall reside within the district from which such candidate~~
8 ~~seeks election at the time of qualifying to run for that office, and during~~ During the
9 term of office each commissioner shall reside in the district from which such
10 commissioner ran for office, provided that any commissioner who is removed
11 from a district by redistricting may continue to serve during the balance of the
12 term of office.

13 (B) *Redistricting.* Charter ~~County~~ commission district boundaries shall
14 be changed only after notice and a public hearing as provided by general law.

15 (C) *Salaries and other compensation.* Salaries and other
16 compensation of the charter ~~county~~ commissioners shall be set by county
17 ordinance and shall be the same as those set by general law for the county
18 commissioners of noncharter counties.

19 (D) Transition to Board of Charter Commissioners. Effective November
20 16, 2010, the board of county commissioners shall be replaced by the board of
21 charter commissioners and all the powers, duties and functions of the board of
22 county commissioners shall be transferred to the board of charter
23 commissioners.

Nonpartisan Election of Board of Charter Commissioners: Question 8
April 16, 2010

1 Section 2. Charter Revision Directions. Every place the term “county
2 commissioner” appears in the Home Rule Charter, it shall be changed to the term
3 “charter commissioner”.

4 Section 3. Referendum. The following question shall be presented to the
5 electors at the 2010 general election:

6 **Non-partisan Election of Board of Charter Commissioners.**

7 If question 5 is adopted, shall the charter of Alachua County,
8 Florida, be amended to require that members of the board of
9 charter commissioners be chosen by vote of the electors in a non-
10 partisan election instead of one indicating a political party
11 affiliation?

12
13 YES for approval_____

14 NO for rejection_____

15
16 Section 4. Effective Dates. If question 5 is adopted, this resolution shall
17 take effect on November 16, 2010 upon approval by a majority of the electors
18 voting in the 2010 general election, provided that section 3 shall take effect upon
19 adoption by resolution of the board of county commissioners in accordance with
20 Paragraph (B)(5) Section 4.2 of the Alachua County Home Rule Charter.

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A resolution proposing an amendment to the Legislative Branch section of the Home Rule Charter; amending Section 2.2; replacing the board of county commissioners with the board of charter commissioners as governing body of the county; transferring all the powers, duties and functions of the board of county commissioners to the board of charter commissioners; deleting obsolete provisions; providing for term limits for charter commissioners; providing directions to charter reviser; providing for transition to the board of charter commissioners effective November 16, 2010; providing for referendum approval at the general election in 2010; providing effective dates.

Be it resolved by the Charter Review Commission of Alachua County, Florida:

Section 1. Contingent upon the adoption of question 5 by the electors at the November 2010 general election, Subsections (A), (B) and (C), of Section 2.2 of the Home Rule Charter of Alachua County are amended, and subsection (D) is added, to read:

Sec. 2.2. Legislative branch.

(A) *The charter ~~county~~ commission.* The governing body of the county shall be a board of charter ~~county~~ commissioners composed of five (5) members

1 serving staggered terms of four (4) years. There shall be one (1) commissioner
2 for each of the five (5) charter ~~county~~ commission districts established pursuant
3 to general law and they shall be elected on a countywide basis by the electors of
4 the county. ~~Each candidate for the office of county commissioner shall reside~~
5 ~~within the district from which such candidate seeks election at the time of~~
6 ~~qualifying to run for that office, and during~~ During the term of office each
7 commissioner shall reside in the district from which such commissioner ran for
8 office, provided that any commissioner who is removed from a district by
9 redistricting may continue to serve during the balance of the term of office. No
10 person shall appear on the ballot for re-election to the office of charter
11 commissioner if, by the end of the current term of office, the person will have
12 served (or, but for resignation, would have served) in that office for eight
13 consecutive years.

14 (B) *Redistricting.* Charter ~~County~~ commission district boundaries shall
15 be changed only after notice and a public hearing as provided by general law.

16 (C) *Salaries and other compensation.* Salaries and other
17 compensation of the charter ~~county~~ commissioners shall be set by county
18 ordinance and shall be the same as those set by general law for the county
19 commissioners of noncharter counties.

20 (D) Transition to Board of Charter Commissioners. Effective November
21 16, 2010, the board of county commissioners shall be replaced by the board of
22 charter commissioners and all the powers, duties and functions of the board of

1 county commissioners shall be transferred to the board of charter
2 commissioners.

3 Section 2. Charter Revision Directions. Every place the term “county
4 commissioner” appears in the Home Rule Charter, it shall be changed to the term
5 “charter commissioner”.

6 Section 3. Referendum. The following question shall be presented to the
7 electors at the 2010 general election:

8 **Term Limits for Charter Commissioners.**

9 If question five (5) is adopted, shall no person appear on the ballot
10 for re-election to the office of charter commissioner if, by the end of
11 the current term of office, the person will have served (or, but for
12 resignation, would have served) in that office for eight consecutive
13 years?

14
15 YES for approval _____

16 NO for rejection _____

17
18 Section 4. Effective Dates. If question five (5) is adopted, this resolution
19 shall take effect on November 16, 2010 upon approval by a majority of the
20 electors voting in the 2010 general election, provided that section 3 shall take
21 effect upon adoption by resolution of the board of county commissioners in
22 accordance with Paragraph (B)(5) Section 4.2 of the Alachua County Home Rule
23 Charter.

Term Limits for Charter Commissioners: Question 9
April 16, 2010

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1 A resolution proposing an amendment to the Legislative
2 Branch section of the Home Rule Charter; amending Section
3 2.2; replacing the board of county commissioners with the
4 board of charter commissioners as governing body of the
5 county; transferring all the powers, duties and functions of the
6 board of county commissioners to the board of charter
7 commissioners; deleting obsolete provisions; providing
8 directions to charter reviser; providing for transition to the
9 board of charter commissioners effective November 16, 2010;
10 providing for limitations on the salaries of the members of the
11 board of charter commissioners; requiring the board to set the
12 salary of members by ordinance at an amount not exceeding X
13 percent of the salary for noncharter county commissioners
14 and Y percent for the chair; providing for referendum approval
15 at the general election in 2010; providing effective dates.

16
17 **Be it resolved by the Charter Review Commission of Alachua County,**
18 **Florida:**

19
20 Section 1. Contingent upon the adoption of question 5 by the electors at
21 the November 2010 general election, Subsections (A), (B) and (C), of Section 2.2
22 of the Home Rule Charter of Alachua County are amended, and subsection (D) is
23 added, to read:

1 Sec. 2.2. Legislative branch.

2 (A) *The charter ~~county~~ commission.* The governing body of the county
3 shall be a board of charter ~~county~~ commissioners composed of five (5) members
4 serving staggered terms of four (4) years. There shall be one (1) commissioner
5 for each of the five (5) charter ~~county~~ commission districts established pursuant
6 to general law and they shall be elected on a countywide basis by the electors of
7 the county. ~~Each candidate for the office of county commissioner shall reside~~
8 ~~within the district from which such candidate seeks election at the time of~~
9 ~~qualifying to run for that office, and during~~ During the term of office each
10 commissioner shall reside in the district from which such commissioner ran for
11 office, provided that any commissioner who is removed from a district by
12 redistricting may continue to serve during the balance of the term of office.

13 (B) *Redistricting.* Charter ~~County~~ commission district boundaries shall
14 be changed only after notice and a public hearing as provided by general law.

15 (C) *Salaries and other compensation.* Salaries and other
16 compensation of the charter ~~county~~ commissioners shall be set by county
17 ordinance and salaries shall be not exceed X percent for all the members other
18 than the chair and Y percent for the chair of the salaries the same as those as
19 set by general law for the county commissioners of noncharter counties of similar
20 population.

21 (D) Transition to Board of Charter Commissioners. Effective November
22 16, 2010, the board of county commissioners shall be replaced by the board of
23 charter commissioners and all the powers, duties and functions of the board of

1 county commissioners shall be transferred to the board of charter
2 commissioners.

3 Section 2. Charter Revision Directions. Every place the term “county
4 commissioner” appears in the Home Rule Charter, it shall be changed to the term
5 “charter commissioner”.

6 Section 3. Referendum. The following question shall be presented to the
7 electors at the 2010 general election:

8 **Limiting the Salary of the Members and the Chair of the Board**
9 **of Charter Commissioners.**

10 If question 5 is adopted, shall the charter of Alachua County,
11 Florida, be amended to require the salary of members of the board
12 of charter commissioners be set by ordinance and to not exceed X
13 percent of the salary for a county commissioner in a noncharter
14 county, and to not exceed Y percent for the chair of the salary of a
15 county commissioner in a noncharter county of similar population,
16 as established by general law.

17
18 YES for approval _____

19 NO for rejection _____

20
21 Section 4. Effective Dates. If question 5 is adopted, this resolution shall
22 take effect on November 16, 2010 upon approval by a majority of the electors
23 voting in the 2010 general election, provided that section 3 shall take effect upon

Limiting Salaries of Charter Commissioners and the Chair: Question 10
April 16, 2010

1 adoption by resolution of the board of county commissioners in accordance with
2 Paragraph (B)(5) Section 4.2 of the Alachua County Home Rule Charter.

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1 A resolution proposing an amendment to the elected county
2 constitutional offices section of the Home Rule Charter;
3 amending Section 3.1; abolishing the constitutional offices of
4 the sheriff, property appraiser, tax collector, clerk of the circuit
5 court and supervisor of elections, transferring the duties of
6 such constitutional offices to charter offices of identical
7 names; providing for the election of the charter officers of the
8 sheriff, property appraiser, tax collector, clerk of the circuit
9 court and supervisor of elections by the electors in a non-
10 partisan election; providing for referendum approval at the
11 general election in 2010; providing effective dates.

12
13 **Be it resolved by the Charter Review Commission of Alachua County,**
14 **Florida:**

15
16 Section 1. Section 3.1 of the Home Rule Charter of Alachua County is
17 amended to read:

18 Sec. 3.1. Elected county constitutional offices.

19 The offices of sheriff, property appraiser, tax collector, clerk of the circuit
20 court and supervisor of elections shall be abolished and replaced with charter
21 officers of the same respective names and remain as be chosen by the electors
22 in a non-partisan election. The charter elected constitutional offices and the
23 powers, duties and functions shall not be altered by this home rule charter. The

1 charter ~~constitutional~~ officers shall perform their respective executive and
2 administrative functions as specified by law for constitutional officers of the same
3 name.

4 Section 2. Referendum. The following question shall be presented to the
5 electors at the 2010 general election:

6 **Abolishing constitutional officers and replacing with charter**
7 **officers elected in a nonpartisan election.**

8 Shall the charter of Alachua County, Florida, be amended to
9 abolish the existing constitutional offices and officers of sheriff,
10 property appraiser, tax collector, clerk of the circuit court and
11 supervisor of elections, have all the duties transferred to charter
12 offices with the same respective names and duties, and have the
13 election of such charter officers be chosen by vote of the electors in
14 a non-partisan election, instead of one indicating a political party
15 affiliation?

16
17 YES for approval _____

18 NO for rejection _____

19
20 Section 3. Effective Date. This resolution shall take effect upon approval
21 by a majority of the electors voting in the 2010 general election, provided that
22 section 2 shall take effect upon adoption by resolution of the board of county

Nonpartisan Election of County Charter (Constitutional) Offices: Question 11
April 16, 2010

1 commissioners in accordance with Paragraph (B)(5) Section 4.2 of the Alachua
2 County Home Rule Charter.

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Question 11 2010 04 16.doc

**ALACHUA COUNTY
CHARTER REVIEW COMMISSION
April 19, 2010**

Presented by:
Sarah M. Bleakley
850.508.5816
sbleakley@ngnlaw.com

Nabors
Giblin &
Nickerson

**Question 1:
Single Member District Elections for Board
of County Commissioners.**

Shall the five members of the board of county commissioners of Alachua County, Florida, be elected to office from single member districts by electors residing in each of those districts only, with no more than three districts extending to the county line?

Nabors
Giblin &
Nickerson

**Question 2:
Nonpartisan Election of
Board of County Commissioners.**

Shall the charter of Alachua County, Florida, be amended to require that members of the board of county commissioners be chosen by vote of the electors in a nonpartisan election instead of one indicating a political party affiliation?

Nabors
Giblin &
Nickerson

**Question 3:
Citizens Initiative Petition Requirements
for Ordinances.**

Shall the charter of Alachua County, Florida, be amended to reduce the number of electors required to petition to initiate county ordinances from seven (7) percent to five (5) percent of the total number of electors in the county as a whole in the last preceding general election?

Nabors
Giblin &
Nickerson

**Question 4:
Limitation of County Commissioners'
Authority to Amend or Repeal
Ordinance Approved by Citizens Initiative.**

Shall the charter of Alachua County, Florida, be amended to require a unanimous vote of the county commission to amend or repeal an ordinance adopted by initiative during the period of one year until five years after the effective date of such ordinance?

Nabors
Giblin &
Nickerson

**Question 5: Replacing the Board of
County Commissioners with a
Board of Charter Commissioners.**

Effective November 16, 2010, shall the board of county commissioners of Alachua County, Florida, be replaced with a board of charter commissioners and all the functions, powers, and duties of the board of county commissioners transferred to a board of charter commissioners which shall be the legislative and the governing body of the county and allowing for further amendments to the charter posed in questions 6 through 10?

Nabors
Giblin &
Nickerson

Question 6: Seven Member Board of Charter Commissioners, Five Elected from Districts and Two Elected County Wide.

If question 5 is adopted, shall the board of charter commissioners of Alachua County, Florida, be increased from five to seven members, with five members elected to office by only the electors in each of those districts, with no more than three districts extending to the county line, and with the other two members being elected by all electors within the county at large?

Nabors
Giblin &
Nickerson

**Question 7:
Elect Five Charter Commissioners from Electors in Single Member Districts.**

If question 5 is adopted and question 6 is Not adopted, shall the five members of the board of charter commissioners of Alachua County, Florida, be elected to office from single-member districts by electors residing in each of those districts only, with no more than three districts extending to the county line?

Nabors
Giblin &
Nickerson

**Question 8:
Non-partisan Election of Board of Charter Commissioners.**

If question 5 is adopted, shall the charter of Alachua County, Florida, be amended to require that members of the board of charter commissioners be chosen by vote of the electors in a non-partisan election instead of one indicating a political party affiliation?

Nabors
Giblin &
Nickerson

Question 9:
Term Limits for Charter Commissioners.

If question five (5) is adopted, shall no person appear on the ballot for re-election to the office of charter commissioner if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years?

Nabors
Giblin &
Nickerson

Question 10: Limiting the Salary of the Members and the Chair of the Board of Charter Commissioners.

If question 5 is adopted, shall the charter of Alachua County, Florida, be amended to require the salary of members of the board of charter commissioners be set by ordinance and to not exceed X percent of the salary for a county commissioner in a noncharter county, and to not exceed Y percent for the chair of the salary of a county commissioner in a noncharter county of similar population, as established by general law.

Nabors
Giblin &
Nickerson

Question 11: Abolishing constitutional officers and replacing with charter officers elected in a nonpartisan election.

Shall the charter of Alachua County, Florida, be amended to abolish the existing constitutional offices and officers of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections, have all the duties transferred to charter offices with the same respective names and duties, and have the election of such charter officers be chosen by vote of the electors in a non-partisan election, instead of one indicating a political party affiliation?

Nabors
Giblin &
Nickerson

Questions?

Nabors
Giblin®
Nickerson

Mary Lowry

From: Bleakley, Sarah [sbleakley@ngn-tally.com]
Sent: Tuesday, April 06, 2010 4:59 PM
To: Mary Lowry
Subject: Sarasota County v Longboat Key
Attachments: Sarasota County v longboat key 355_so_2d_1197.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Greg, would you please send this to Commissioner AuBroncee S. Martin via email. I don't have his address and he asked me to send this to him. Thanks.

AuBroncee, you had asked about a charter amendment being the equivalent of a special act in the context of the school superintendent election issue discussed at last month's CRC meeting. Attached please find the 1978 Supreme Court opinion in Sarasota County v. Long Key, 355 So 2d 1197 (Fla. 1978). Footnote 9 on page 4 rejects a similar argument and states that "it is clear from the language of the Constitution that the term 'special law' means an enactment of the Florida Legislature." (citation omitted).

If you have any further questions, please let me know.

Best regards,
Sarah

Sarah M. Bleakley, Esq.



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5 of 10 DOCUMENTS

SARASOTA COUNTY, Florida, and Mary J. Orr, as Supervisor of Elections, Appellants, v. TOWN OF LONGBOAT KEY, Florida, City of Sarasota, Florida, City of Venice, Florida, and City of North Port, Florida, Appellees

No. 52214

Supreme Court of Florida

355 So. 2d 1197; 1978 Fla. LEXIS 4789

January 19, 1978

OPINION BY: ENGLAND

COUNSEL: **[**1]** Richard E. Nelson, Richard L. Smith and Leslie Telford, of Nelson, Hesse, Cyril & Weber, Sarasota, and Talbot D'Alemberte and Donald M. Middlebrooks, of Steel, Hector & Davis, Miami, for Appellants.

John R. Wood and I.W. Whitesell, Jr., of Wood, Whitesell & Karp, Sarasota, for Town of Longboat Key.

William C. Strode and William M. Hereford, of Strode, Hereford & Taylor, Sarasota, for City of Sarasota.

Charles F. Wheeler, of Korp & Wheeler, Venice, for City of Venice.

Allen J. Levin, Port Charlotte, for City of North Port, Appellees.

Ralph A. Marsicano, Gen. Counsel, for Florida League of Cities, Inc., Tampa.

Burton M. Michaels, Staff Atty. for Florida League of Cities, Inc., Tallahassee, Amicus Curiae.

JUDGES: England, Justice. Overton, C.J., and Boyd, Sundberg, Hatchett and Drew (Retired), JJ., concur.

OPINION

[*1198] The Sarasota County Commission adopted an ordinance proposing five amendments to the county charter which would transfer the responsibilities for performing five distinct governmental functions from four Sarasota County cities to the county. ¹ Four of the affected cities challenged the proposed amendments in court before they could be voted **[**2]** on by the residents of Sarasota County, ² and in due course they obtained from the Twelfth Judicial Circuit Court a permanent injunction prohibiting the referendum on the dual grounds that the ordinance attempts an unconstitutional "consolidation" in violation of *Article VIII, Section 3 of the Florida Constitution*, and is unconstitutionally vague. ³ Inasmuch as the trial court construed a provision of the Constitution, appeal of the trial court's ruling to this Court is appropriate. ⁴

¹ The functions to be transferred are air and water

pollution control, parks and recreation, roads and bridges, planning and zoning, and police.

2 The Town of Longboat Key joined in bringing the suit although it actually lies within both Sarasota County and Manatee County.

3 The ordinance was originally adopted on an emergency basis on September 21, 1976, and scheduled for voter approval on November 2, 1976. The cities obtained temporary injunctive relief to prevent the November 2 referendum, which the county did not contest by certiorari to this Court until after that date. By an order dated February 25, 1977, we rejected that petition on the ground that the matter was moot. Subsequent to our ruling, a final hearing was held on the municipalities' challenge to the ordinance, and a permanent injunction was entered. During the litigation Sarasota County adopted resolutions postponing the date for a vote on the five amendments, originally setting April 5, 1977, and later setting November 8, 1977. After the final injunction was entered, the county brought a direct appeal here and moved to expedite the proceeding and to allow the expenditure of money in preparation for the November 8 referendum. Following emergency hearings on those motions, we declined to lift the permanent injunction, but we expedited the times for briefing and argument. At oral argument on November 4, we were told that the County Commission had scheduled a hearing for November 8 on a resolution to defer the election until September 1978, if the ordinance is found to be consistent with the Constitution.

[**3]

4 Art. V, § 3(b)(1), Fla.Const.

The five proposed amendments

adopted by the County Commission are identical in their terminology except for the delineation of the different services and functions in each. The first reads:

"Section 1.4:
Consolidation of Air and
Water Pollution Control
Services and Functions.

Notwithstanding any other provision of this Charter, all municipal air and water pollution control services and functions and all county air and water pollution control services and functions shall be consolidated and provided by this county government. The Board of County Commissioners shall have power to carry out and enforce this section by appropriate ordinances which, notwithstanding any other provision of this Charter, shall prevail over any municipal ordinances in conflict therewith."

[*1199] Significant principles of local government autonomy are at stake in this proceeding. The cities seek to enjoin a voter referendum on these amendments out of a general concern that municipalities could be effectively abolished if a county government were free to [**4] propose for county-wide voter approval, and without the separate approval of the affected municipality's voters, the transfer of city functions to the county level of government.⁵ The respective concerns of the cities and the county quite naturally implicate several provisions of the Florida Constitution.

5 The Florida League of Cities, Inc. has joined with the four municipalities in contesting the county's attempt to assume city

functions without the approval of municipal residents.

At the heart of this controversy is Article VIII, Section 3 of the Florida Constitution, entitled "Consolidation", which describes the manner in which the governments of counties and municipalities may be consolidated. 6 Of equal importance in our consideration of the issues presented is Article VIII, Section 4 of the Florida Constitution, entitled "Transfer of powers", which specifies the method by which any function or power of a county or municipality may be transferred to or performed by another governmental unit. 7 Also [**5] relevant to these proceedings are subsections 1(f) and 1(g) of Article VIII, Florida Constitution, which define the limit of powers for non-charter and charter governments, respectively. 8

6 "Section 3. Consolidation. - The government of a county and the government of one or more municipalities located therein may be consolidated into a single government which may exercise any and all powers of the county and the several municipalities. The consolidation plan may be proposed only by special law, which shall become effective if approved by vote of the electors of the county, or of the county and municipalities affected, as may be provided in the plan. . . ."

7 "Section 4. Transfer of powers. - By law or by resolution of the governing bodies of each of the governments affected, any function or power of a county, municipality or special district may be transferred to or contracted to be performed by another county, municipality or special district, after approval by vote of the electors of the transferor and approval by vote of the electors of the transferee, or as otherwise

provided by law."

[**6]

8 "(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances."

The major contentions of the parties are more easily understood if each is discussed separately.

1. Does the ordinance propose a "consolidation" under Article VIII, Section 3 [**7] ?

The trial judge enjoined a countywide voter referendum of the five amendments on the grounds that a "consolidation" of municipal services into the county would result, and that the amendments obviously do not comport with the requirement of Article VIII, Section 3 to the effect that consolidation must be proposed by "special law". We disagree with the trial court's premise, for despite their denomination by the Sarasota County Commission as "consolidation"

amendments, it is apparent that the proposed amendments do not effect a consolidation within the meaning of Article VIII, Section 3. The process provided in that provision is the unification of the government of a county and the government of one or more municipalities "into a single government", which would then exercise the powers previously held by both or all of the consolidated units. This provision of the Constitution applies only when one or more of the underlying governments disappears [*1200] or is merged into the government of the surviving unit.⁹

9 See, for example, *Beard v. City and County of San Francisco*, 79 Cal.App.2d 753, 180 P.2d 744 (Dist.Ct.App.1947). Cf. *City of Jacksonville Beach v. Albury*, 291 So.2d 82 (Fla. 1st DCA 1973), aff'd, 295 So.2d 297 (Fla.1974). Sarasota County argues in the alternative that were these transfers to be considered a consolidation under Art. VIII, § 3, then the ordinance would nonetheless comply with the "special law" requirement because it was adopted by a county which has a charter form of government. Although there is some logic in the suggestion that an ordinance of a charter county now provides the vehicle by which to adopt measures which before the 1968 Constitution required a special law, it is clear from the language of the Constitution that the term "special law" means an enactment of the Florida Legislature. *Davis v. Gronemeyer*, 251 So.2d 1 (Fla.1971).

[**8] 2. Is the ordinance unconstitutionally vague?

The trial judge specifically held that the proposed charter amendments were vague, in that they did not specify the manner in which property, services or functions would be

transferred from the cities to the county. Although it is true that the proposed amendments provide no roadmap for the assignment of functions or the transfer of property or monies as between the municipalities and the county, we do not find that omission to be a basis to strike them as unconstitutionally vague. The amendments are not self-executing. They specifically provide that additional ordinances will be adopted to implement the proposal when and if the voters of the county approve the transfers. We think it is permissible to proceed in this fashion, and that the orderly processes of government initially require no more than a determination of the proper place for the functions to be assigned. To require that details be precisely defined before the voters may approve a transfer of functions would burden county commissions with potentially unnecessary minutiae which, even at the approval stage, might require additional litigation.¹⁰ The amendments [**9] are not "clearly and conclusively defective" by reason of vagueness.¹¹

10 By way of comparison, see Ch. 20, Fla.Stat., by which the 1969 Legislature consolidated the functions of over 100 departments, agencies and commissions into not more than 25 departments by simple transfer and assignment language. See Art. 4, § 6, Fla.Const.

11 Cf. *Weber v. Smathers*, 338 So.2d 819 (Fla.1976) (proposed constitutional amendment upheld against an attempt to enjoin its placement on the ballot).

3. Does the ordinance constitute an attempted transfer of powers under Article VIII, Section 4?

The trial judge did not expressly rule on the cities' contention that the County Commission has essentially proposed a transfer of powers, a procedure governed by Article VIII,

Section 4 of the Constitution. The municipalities, joined by the Florida League of Cities, reassert that argument here. None of the parties seriously disputes the notion that this proceeding really involves a proposed transfer of functions between **[**10]** different units of government. The cities simply claim that the county's ordinance does not comply with Article VIII, Section 4 since it was initiated neither "by law" nor by resolution of all affected governments. Sarasota County suggests that charter counties are excluded from Article VIII, Section 4 by reason of Article VIII, Section 1(g), or alternately that the transfer requirements of Article VIII, Section 4 are met by *Section 125.86(7), Florida Statutes* (1975).¹² For the following reasons we conclude that the cities' position is the correct one.

12 This section grants the board of county commissioners the power to:

"Adopt pursuant to the provisions of the charter, such ordinances of county-wide force and effect as are necessary for the health, safety, and welfare of the residents. It is the specific legislative intent to recognize that a county charter may properly determine that certain governmental areas are more conducive to uniform county-wide enforcement and may provide the county government powers in relation to those areas as recognized and as may be amended from time to time by the people of that county[.]"

[11]** **[*1201]** The county suggests that because it operates under a charter form of government, Section 1(g) of Article VIII alone governs its powers. We do not agree. Section 4 of Article VIII refers to "counties", without distinction. The same term is used throughout the Constitution to refer both to charter

and to non-charter counties.¹³ Where there has been an intent to distinguish the two forms of county government, it has been done explicitly.¹⁴ Not only are we disinclined to read into Section 4 something that is not expressly provided, but we are all the more reluctant to elevate the general provisions of Article VIII, Section 1(g) to a dominant position over the specific provisions of Article VIII, Section 4. We hold that Section 4 applies both to charter and non-charter counties.

13 See, for example, Art. VII, §§ 9 and 10, and Art. VIII, § 1, *Fla.Const.*

14 Compare Art. VIII, §§ 1(f) and 1(g), *Fla. Const.*

We also reject the county's assertion that Article VIII, Section 4 contemplates **[**12]** a law of general applicability such as *Section 125.86(7)*, by which counties may accomplish the transfer of municipal functions by county resolution. A plain reading of Article VIII, Section 4 reflects that a transfer of governmental powers requires distinctive procedures for the initiation of a transfer, that is, "by law or by resolution of the governing bodies of each of the governments affected."¹⁵ We think it clear from the specificity of the procedure in Section 4 that the "by law" reference connotes the need for a separate legislative act addressed to a specific transfer, in the same manner that two or more resolutions of the affected governments would address a specific transfer. *Section 125.86(7)*, in contrast, does no more than provide general authority for county commissions to exercise police powers. It in no way provides "by law" the procedures necessary to initiate the transfer of governmental functions or powers.

15 Procedures for the approval of a transfer are either a vote

of the electors of both the transferor and transferee, or "as otherwise provided by law". The latter phrase does not describe an alternate method for initiating a transfer; it addresses only the means for approval. The Florida League of Cities notes that a proposed amendment to Art. VIII, § 4 - not adopted by the 1966 Constitution Revision Commission - would have added the words "unless otherwise provided by charter" at the end of the paragraph. This, the League indicates, conclusively shows that the Commission rejected the transfer of municipal powers simply by county resolution. Whatever the effect of this action by the 1966 Commission, it does not involve the initiating requirements in Art. VIII, § 4.

[13]** We conclude, therefore, that Sarasota County's five proposed amendments constitute attempts to transfer powers and functions from the cities to the county within Article VIII, Section 4, but because the procedure by which the transfers have been proposed does not comport with the requirements of that Section, the county's resolution is ineffective for that purpose.

We affirm the order of the Circuit Court of Sarasota County permanently enjoining a referendum on the five proposed amendments.

It is so ordered.

OVERTON, C.J., and BOYD, SUNDBERG, HATCHETT and DREW (Retired), JJ., concur.

March 22, 2010

Alachua County Charter Review Commission

Attn: Honorable Buddy Irby, Chair

Dear Chair Irby:

Under a unanimous directive from the Rural Concerns Advisory Committee to the Alachua County Commission, I hereby respectfully request that the Alachua County Charter Review Commission focus on the proposal for single member districts as a priority for the citizens to vote on.

Sincerely,

A handwritten signature in black ink that reads "Ward Scott". The signature is written in a cursive, slightly slanted style.

Ward Scott, Chair

Rural Concerns Advisory Committee to the County Commission

XC: Richelle Sucara, Deputy County Manager
 Mary Lowry, Advisory Board Coordinator

Submitted by Rod Tuttle, April 5, 2010

ONE SIZE FITS ALL

There are discrepancies in the assumptions about the population distribution in the County. Here are some sources for that.

United States Census

07/01/08

County population:	241,364
Gainesville population:	114,916
City population as a percent	47.6%
Growth 2000-2008	
City of Gainesville	2.7%
County w/o G'ville	18.5%

* City numbers are net including population growth by annexation and outside the City numbers are net including population reduction based on annexation.

Elections

Registered voters 3/25/2010	149,942
City of Gainesville	72,554
Percent Gainesville	48.4%

Mary Lowry

From: Clerk of the Court [clerk@alachuaclerk.org]
Sent: Monday, April 19, 2010 8:03 AM
To: Mary Lowry
Subject: FW: SINGLE MEMBER COMISSIONER DISTRICTS

[Add to file. BI](#)

From: JackRD@aol.com [mailto:JackRD@aol.com]
Sent: Saturday, April 17, 2010 7:49 PM
To: Clerk of the Court
Subject: SINGLE MEMBER COMISSIONER DISTRICTS

To: Alachua County Charter Review Committee
From: Jack Durrance
Re: Single District Elections For County Commissioners

Thank you for taking on this important task, and contributing your time and talent. I hope my thoughts will be helpful, and may be of use during your deliberations.

County wide elections for all Alachua County Commissioners replaced the practice of having each commissioner elected from a single district about 1954. It was felt that dividing the county into five separately controlled units encouraged each commissioner to compete and "duplicate" staff and resources, (*a costly practice*). At a time when the community was best served by uniting to meet county problems, it was "divisive" and costly.

Before giving consideration to return to this single district antiquated structure of government, I hope the Charter Review Committee will carefully document the existence of a pressing well documented need. Historically, there has been an unfounded concern that the rural citizen was treated unfairly because of the large number of "Gainesville voters" dominated board decisions. During the twenty-eight years I served as a County Commissioner elected by county wide voters, I recall no instance of there being an example of this. Locating and identifying these examples is critical before any change should be considered.

Single districts have proven divisive and more costly in nature. If there is no documented evidence of a need, the advantages of political strength from a united community is much to be preferred.

Mary Lowry

From: Robert Brinkman [robertwbrinkman@gmail.com]
Sent: Friday, April 16, 2010 11:58 PM
To: Mary Lowry
Subject: ballot language for question 4

Mary,

Please forward this on to staff and Ms Beasley. On page 19 of the back-up for the CRC 04/19/2010 meeting on line 9 I believe first year should be changed to second year so that the revision provided by this amendment would not affect the prohibition on repeal of a citizen's ordinance by the BoCC for one year. The unanimous vote provision was to apply in years 2 through 5, not 1-5, at least that was my intention as maker of the motion when I accepted Mr. Little's friendly amendment. Perhaps this issue should be included in the presentation of ballot language to the CRC and voted on if need be. Thank you for your attention to my concern.

Sincerely,

Rob

Mary Lowry

From: J.K. "Buddy" Irby [jki@alachuaclerk.org]
Sent: Monday, April 19, 2010 2:28 PM
To: Mary Lowry
Subject: FW: charter review

[Add to file](#)

From: Warren Clark [mailto:wclark7@cox.net]
Sent: Monday, April 19, 2010 2:24 PM
To: J.K. "Buddy" Irby
Subject: charter review

Mr. Irby:

To the Commission:

I am strongly opposed to single member districts for county commission seats. As the commission body represents the county as a whole, representation should be from everyone in the county. I don't want a 'special interest' from any part of the county voting just for that section of the county. Commissioners elected just from a section of the county would be primarily focused on that district that elected them and not have the interests of everyone in the county as a whole. *I.e.* I want the county commissioners to represent the whole county and not just their district. They won't if they are too concerned about votes from just their district.

I am also opposed to non-partisan elections. As the two major parties are such polar opposites, it is very important that the voters know the party that each candidate affiliates. Yes, we get candidates stands on major issues through forums and such, but knowing a candidates political philosophy is extremely important in making my decision.

Sincerely,

Warren Clark
7516 SW 77th Street
Gainesville, FL 32608
352-377-3046
Precinct 68