



# Alachua County Charter Review Commission

## Regular Meeting and Third Public Hearing Agenda June 9, 2010

Meeting: 5:30 p.m. Room 209, County Adm. Building

### Commission Members

Robert Ackerman  
Robert Brinkman  
DJ Ferguson  
Mitch Glaeser, Vice Chair  
Armando R. Grundy  
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,  
Staff Support

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

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

1. Call to order
2. Approval of the minutes of the May 26, 2010 CRC meeting.
3. Comments by members
4. Legal Counsel:
  - a. Counsel comments on proposals
  - b. HB 131 update
5. Public Hearing (Third of Three)
6. New business

Notice: Proposals previously considered may be rescinded and reconsidered or a new motion may be offered under this section.

7. Adjournment

Next Meeting: June 23, 2010



# Alachua County Charter Review Commission

June 1, 2010

**Commission  
Members**

- Robert Ackerman
- Robert Brinkman
- DJ Ferguson
- Mitch Glaeser, Vice Chair
- Armando R. Grundy
- J. K. Irby, Chair
- Joseph W. Little
- AuBroncee S. Martin
- John Martin
- Bill Richards
- Jim Stringfellow
- Rod Tuttle
- Lura W. Williams Martin
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To: CRC Members

From: Buddy Irby, Chair

-----  
Please add to your calendar a meeting for June 23, 2010. At that meeting we will have a presentation by, and Q&A period with, Dr. Kenneth Wald Ph.D. with regard to single member districts and the Voting Rights Act. His bio follows:

Dr. Kenneth Wald is Distinguished Professor of Political Science at the University of Florida where he has taught since 1983. In 1987, he was hired as a consultant by the Gainesville Charter Review Committee and drew the district boundaries when the new system of district representation was approved by referendum. He has redrawn the boundaries following the censuses of 1990 and 2000 and has also reconfigured the districts following significant annexations on several occasions. Dr. Wald was a federal expert witness in *Bradford County NAACP v. Starke* (1989) and *Concerned Citizens of Hardee County v. Hardee County Board of Commission* (1990).

Therefore, at the June 9<sup>th</sup> meeting, if time allows after the public hearing and as you desire, we can take final votes on all remaining proposals except the proposal on single member districts. The staff can then begin to prepare the final report as I expect we will adjourn *sine die* on the 23<sup>rd</sup> after Dr. Wald's presentation, our discussion, and vote on the single member district proposal.

I trust this reflects the wishes of the commission.



# Alachua County Charter Review Commission

**-DRAFT-**

*Meeting Minutes – Wednesday, May 26, 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
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CRC Members Present: Robert Ackerman, Robert Brinkman, DJ Ferguson, Mitch Glaeser, Armando Grundy-Gomes, J.K. Irby, Joe Little, Aubroncee Martin, John Martin, Bill Richards, James Stringfellow, Rod Tuttle, Lura Williams Martin, Ashley Wood, Guy York

CRC Members Absent: None

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

**1. Approval of Minutes of May 12, 2010.**

**Armando Grundy moved** that the May 12, 2010 minutes be accepted as presented. The motion was agreed to.

**2. General comments by members.**

The chair recognized all commission members wishing to make comments. Extensive comments were made by several members of the commission.

**Rob Brinkman moved** that the chair write a letter to the Brevard County Charter Review Commission clarifying the current status of the proposal requiring charter amendments to have a dual vote on amendments affecting municipal functions and powers.

**After discussion, the motion was agreed to.**

**3. Legal Counsel**

Legal counsel Sarah Bleakley reviewed for the commission the requirements for the public hearings. She then made a presentation with regard to the proposal requiring charter amendments to have a dual vote on amendments affecting municipal functions and powers. Attorney Bleakley compared the two proposals the commission received from the League of Cities to the proposal she prepared for the commission. She reviewed the law and expressed her concern with regard to proposed ballot language.

As part of the ensuing discussion, the chair recognized Alachua County League of Cities President Larry Travis, High Springs City Manager Jim Drumm, Town of Micanopy Mayor Richard Shutterly, and League of Cities representative Beth Rawlins.

#### 4. Public Hearing

The Charter of Alachua County requires the CRC to hold three public hearings. The chair called the public hearing to order and recognized fourteen citizens wishing to address the commission. There being no further citizens wishing to address the commission, the Chair closed the public hearing.

#### 5. Other Business

**Jim Stringfellow moved** to reconsider the proposal for county commissioners to be elected on a single member basis.

**After discussion, the motion to reconsider was agreed to. 8 Yes 7 No**

Therefore, the motion was placed back before the commission as follows:

Refer to the CRC attorney for review the following question: Shall the five members of the board of county commissioners of Alachua County, Florida, be elected from single-member districts by electors residing in each of those districts only, with no more than three districts extending to the county line?

**After extensive discussion, the motion was agreed to. 8 Yes 7 No**

**Armando Grundy moved** that the revised proposed language submitted by the League of Cities with regard to the proposal requiring charter amendments to have a dual vote on amendments affecting municipal functions and powers be substituted for the language proposed by the CRC counsel.

**After discussion, the motion was not agreed to. 5 Yes 10 No**

**AuBroncee Martin moved** to for the CRC to engage an expert on single member districts to make a presentation to the commission regarding the pros and cons of single member districts and the requirements of the Voting Rights Act.

**Rob Brinkman moved to** amend the motion by adding that the CRC counsel provide the commission her legal opinion as to whether the law allows the charter to provide instructions to the board of county commissioners with regard to how they shall draw their districts (e.g. "Three and only three districts shall extend to the county line").

**After discussion the amendment was agreed to.**

**After discussion the motion as amended was agreed to.**

#### 6. Adjournment

**Armando Grundy moved** to adjourn. The Chair thanked everyone for their participation, announced the date of the next meeting, and without objection adjourned the meeting at 8:52 p.m.

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1500 Mahan Drive  
Tallahassee, Florida 32308  
(850) 224-4070 Tel  
(850) 224-4073 Fax



## MEMORANDUM

**TO:** Alachua County Charter Review Commission Members

**FROM:** Sarah M. Bleakley

**DATE:** June 4, 2010

**RE:** Non-Partisan Elections and Single Member Districts

Dear Ladies and Gentlemen:

In anticipation of our next meeting enclosed are the following documents:

1. A list of the eight questions currently under consideration by the Charter Review Commission ("CRC"); and
2. CRC resolutions for each of the eight questions.

Here's an update on the status of the legal issues:

- The single member district question (Question 8) has been revised to eliminate references to charter commissioners. It is included in the attachments. We are continuing to research whether the Charter Review Commission may lawfully direct the BoCC to adopt single member districts with no more than three districts abutting the county line. An analysis of this issue will be delivered on Tuesday.
- We have been discussing the Alachua League of Cities' issue with Beth Rawlins. She has made some suggestions for revising Question 3. We may have a revised Question 3 addressing some of her concerns available for Wednesday's meeting.
- On the non-partisan issues - Questions 5 and 7 - we continue to research the application of HB 131 to charter provisions. We also hope to have a written opinion on the non-partisan issue delivered to you on Tuesday.

Alachua County Charter  
Review Commission Members  
June 4, 2010  
Page 2

- On alternatives to the term "abolish," we are reviewing charter provisions from other counties and should be ready on this issue Tuesday as well.

I look forward to seeing you at the third public hearing on Wednesday.

Best regards,

*Sarah M. Bleakley*

Sarah M. Bleakley

SMB:sib

Attachments

**Alachua Charter Review Commission**  
**List of Tentative Questions for the Ballot**  
June 9, 2010

**Question 1: 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 2: Limitation on County Commissioners' Authority to Amend or Repeal Ordinances Approved by Citizens Initiative..**

Shall the charter of Alachua County, Florida, be amended to extend from one year to five years the prohibition against the board of county commissioners from amending or repealing an ordinance approved by citizens initiative, and providing that during the second through fifth years, such an ordinance may be amended or repealed by the board of county commissioners by an affirmative vote of at least four of the five county commissioners?

YES  
NO

**Question 3: Require Both County and Municipal Voter Approval of Charter Amendments Affecting Municipal Regulatory Power.**

Shall the charter of Alachua County, Florida, be amended to require that a Charter Amendment that limits the regulatory power of a municipality shall take effect within or in regard to a municipality only if the amendment is approved by a majority of Alachua County voters and also approved by a majority of voters in that municipality, except when otherwise provided in a charter amendment or by the Legislature?

YES  
NO

**Question 4: Abolishing the Board of County Commissioners and Replacing with a Board of Charter Commissioners.**

Shall the charter of Alachua County, Florida be amended effective November 16, 2010 to abolish the board of county commissioners and to have all the powers, duties and functions 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 5 and 6?

YES  
NO

**Question 5: Non-partisan Election of Board of Charter Commissioners.**

If question 4 is approved, 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 6: Setting the Salaries of the Board of Charter Commissioners.**

If question 4 is adopted, shall the charter of Alachua County, Florida, be amended to require the salaries of members of the board of charter commissioners be set by ordinance rather than be the same as the salaries for county commissioners in noncharter counties?

YES  
NO

**Question 7: 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 powers, duties and functions 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

**Question 8: Elect Five County Commissioners from Electors in Single Member Districts.**

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

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**Question 1**  
**Citizens Initiative Petition Requirements for Ordinances**  
**May 12, 2010**

1           **A resolution proposing an amendment to the Legislative**  
2           **Branch section of the Home Rule Charter; amending**  
3           **subsection (H) of Section 2.2; reducing the number of electors**  
4           **required to petition to initiate county ordinances from seven**  
5           **(7) percent to five (5) percent of the total number of electors in**  
6           **the county as a whole in the last preceding general election;**  
7           **providing for referendum approval at the general election in**  
8           **2010; providing effective dates.**

9

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

12

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

15       Sec. 2.2. Legislative branch.

16           (H)    *Initiative.*

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

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

**Question 1**  
**Citizens Initiative Petition Requirements for Ordinances**  
**May 12, 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

**Question 1**  
**Citizens Initiative Petition Requirements for Ordinances**  
**May 12, 2010**

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 November 2, 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 YES for approval \_\_\_\_\_

16 NO for rejection \_\_\_\_\_

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

**Question 1**  
**Citizens Initiative Petition Requirements for Ordinances**  
**May 12, 2010**

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**Question 2**  
**Limitation on County Commissioners' Authority to**  
**Amend or Repeal Ordinances Approved by Citizens Initiative**  
**May 12, 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; prohibiting the amendment or repeal of an ordinance approved by citizens initiative for five years after its effective date, providing an exception that during the second through fifth years, such an ordinance may be amended or repealed by the board of county commissioners by vote of at least four of the five county commissioners; 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

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**Question 2**  
**Limitation on County Commissioners' Authority to**  
**Amend or Repeal Ordinances Approved by Citizens Initiative**  
**May 12, 2010**

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

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

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

**Question 2**  
**Limitation on County Commissioners' Authority to**  
**Amend or Repeal Ordinances Approved by Citizens Initiative**  
**May 12, 2010**

1 fails to adopt the proposed ordinance, it shall, by resolution, call a referendum on  
 2 the question of the adoption of the proposed ordinance to be held at the next  
 3 general election occurring at least forty-five (45) days after the adoption of such  
 4 resolution. If the question of the adoption of the proposed ordinance is approved  
 5 by a majority of those registered electors voting on the question, the proposed  
 6 ordinance shall be declared by resolution of the county commission to be  
 7 enacted and shall become effective on the date specified in the ordinance, or, if  
 8 not so specified, on January 1 of the succeeding year. The county commission  
 9 shall not amend or repeal an ordinance adopted by initiative for a period of five  
 10 (5) years ~~one (1) year~~ after the effective date of such ordinance; except that  
 11 during the second through fifth years, such an ordinance may be amended or  
 12 repealed by the board of county commissioners by vote of at least four of the five  
 13 county commissioners.

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

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

**Limitation on County Commissioners' Authority to Amend or**  
**Repeal Ordinances Approved by Citizens Initiative.**

21 Shall the charter of Alachua County, Florida, be amended to extend  
 22 from one year to five years the prohibition against the board of

**Question 2**  
**Limitation on County Commissioners' Authority to**  
**Amend or Repeal Ordinances Approved by Citizens Initiative**  
**May 12, 2010**

1 county commissioners from amending or repealing an ordinance  
2 approved by citizens initiative, and providing that during the second  
3 through fifth years, such an ordinance may be amended or  
4 repealed by the board of county commissioners by an affirmative  
5 vote of at least four of the five county commissioners?

6  
7 YES for approval \_\_\_\_\_

8 NO for rejection \_\_\_\_\_

9  
10 Section 3. Effective Dates. This resolution shall take effect upon approval  
11 by a majority of the electors voting in the November 2, 2010 general election,  
12 provided that section 2 shall take effect upon adoption by resolution of the board  
13 of county commissioners in accordance with Paragraph (B)(5) Section 4.2 of the  
14 Alachua County Home Rule Charter.

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**Question 3**  
**Require Both County and Municipal Voter Approval of**  
**Charter Amendments Affecting Municipal Regulatory Power**  
**May 12, 2010**

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A resolution proposing an amendment to the Home Rule Charter Amendment section of the Home Rule Charter; amending Section 4.2, relating to home rule charter amendments to add a new subsection (D); providing that certain charter amendments approved after January 1, 2011 that limit a regulatory power of a municipality shall be effective in every municipality except those whose voters do not approve the amendment; providing exceptions; 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 (D) is added to Section 4.2 of the Home Rule Charter of Alachua County to read:

Sec. 4.2. Home rule charter amendments.

(D) Home Rule Charter Amendments Affecting Municipal Regulatory Power. Effective January 1, 2011, an amendment adopted pursuant to this charter that limits a regulatory power of a municipality shall be effective within or in regard to a municipality, except that it shall not be effective within or in regard to a municipality where a majority of the electors voting in the referendum in that

**CODING:** Words ~~stricken~~ are deletions to the Alachua County Home Rule Charter; words underlined are additions to it.

**Question 3**  
**Require Both County and Municipal Voter Approval of**  
**Charter Amendments Affecting Municipal Regulatory Power**  
**May 12, 2010**

1 municipality do not approve the amendment.. Provided however, such an  
2 amendment proposed pursuant to this charter may have county wide effect,  
3 including those municipalities whose voters do not approve the amendment,  
4 when the amendment expressly declares that it be effective county wide.  
5 Provided further however, the limitation on county wide effectiveness of a charter  
6 amendment shall not supersede an inconsistent special law approved by the  
7 voters or a general law authorizing the adoption of a charter amendment  
8 preempting a municipal regulatory power to the county.

9 Section 2. Referendum. The following question shall be presented to the  
10 electors at the November 2, 2010 general election:

**Require Both County and Municipal Voter Approval of Charter**  
**Amendments Affecting Municipal Regulatory Power.**

13 Shall the charter of Alachua County, Florida, be amended to require  
14 that a Charter Amendment that limits the regulatory power of a  
15 municipality shall take effect within or in regard to a municipality  
16 only if the amendment is approved by a majority of Alachua County  
17 voters and also approved by a majority of voters in that  
18 municipality, except when otherwise provided in a charter  
19 amendment or by the Legislature?

20  
21 YES for approval \_\_\_\_\_  
22 NO for rejection \_\_\_\_\_

**CODING:** Words ~~stricken~~ are deletions to the Alachua County Home Rule Charter; words underlined are additions to it.

**Question 3**  
**Require Both County and Municipal Voter Approval of**  
**Charter Amendments Affecting Municipal Regulatory Power**  
**May 12, 2010**

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Section 4. Effective Dates. This resolution shall take effect on January 1, 2011 if approved by a majority of the electors voting in the November 2, 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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**Question 4**  
**Abolishing the Board of County Commissioners and**  
**Replacing with a Board of Charter Commissioners**  
**May 12, 2010**

1           A resolution proposing an amendment to the Legislative  
2           Branch section of the Home Rule Charter; amending Section  
3           2.2; abolishing the board of county commissioners as  
4           governing body of the county; transferring all the powers,  
5           duties and functions of the board of county commissioners to  
6           the board of charter commissioners; deleting obsolete  
7           provisions; providing directions to charter reviser; providing  
8           for transition to the board of charter commissioners effective  
9           November 16, 2010; providing for referendum approval at the  
10          general election in 2010; providing effective dates.

11  
12          **Be it resolved by the Charter Review Commission of Alachua County,**  
13          **Florida:**

14  
15                Section 1. Subsections (A), (B) and (C), of Section 2.2 of the Home Rule  
16          Charter of Alachua County are amended, and subsection (D) is added, to read:

17          Sec. 2.2. Legislative branch.

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

**Question 4**  
**Abolishing the Board of County Commissioners and**  
**Replacing with a Board of Charter Commissioners**  
**May 12, 2010**

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 abolished and all the  
 15 powers, duties and functions of the board of county commissioners shall be  
 16 transferred to the board of charter commissioners.

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

20 Section 3. Referendum. The following question shall be presented to the  
 21 electors at the November 2, 2010 general election:

**Question 4**  
**Abolishing the Board of County Commissioners and**  
**Replacing with a Board of Charter Commissioners**  
**May 12, 2010**

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**Abolishing the Board of County Commissioners and Replacing  
with a Board of Charter Commissioners.**

Shall the charter of Alachua County, Florida be amended effective  
November 16, 2010 to abolish the board of county commissioners  
and to have all the powers, duties and functions 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 5 and 6?

YES for approval \_\_\_\_\_

NO for rejection \_\_\_\_\_

Section 4. Effective Dates. This resolution shall take effect on November  
16, 2010 upon approval by a majority of the electors voting in the November 2,  
2010 general election, provided that section 3 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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Question 4 2010 05 12.doc

**Question 5**  
**Non-partisan Election of Board of Charter Commissioners**  
**May 12, 2010**

1           A resolution proposing an amendment to the Legislative  
2           Branch section of the Home Rule Charter; amending Section  
3           2.2; abolishing the board of county commissioners as  
4           governing body of the county; transferring all the powers,  
5           duties and functions of the board of county commissioners to  
6           the board of charter commissioners; deleting obsolete  
7           provisions; contingent upon question 4 being approved,  
8           requiring a non-partisan election of the members of the board  
9           of charter commissioners instead of one indicating a political  
10          party affiliation; providing directions to charter reviser;  
11          providing for transition to the board of charter commissioners  
12          effective November 16, 2010; providing for referendum  
13          approval at the general election in 2010; providing effective  
14          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 4 by the electors at  
20       the November 2, 2010 general election, Subsections (A), (B) and (C), of Section  
21       2.2 of the Home Rule Charter of Alachua County are amended, and subsection  
22       (D) is added, to read:

23       Sec. 2.2. Legislative branch.

**Question 5**  
**Non-partisan Election of Board of Charter Commissioners**  
**May 12, 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.

**Question 5**  
**Non-partisan Election of Board of Charter Commissioners**  
**May 12, 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 November 2, 2010 general election:

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

7 If question 4 is approved, 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?

13 YES for approval \_\_\_\_\_

14 NO for rejection \_\_\_\_\_

16 Section 4. Effective Dates. If question 4 is adopted, this resolution shall  
 17 take effect on November 16, 2010 upon approval by a majority of the electors  
 18 voting in the November 2, 2010 general election, provided that section 3 shall  
 19 take effect upon adoption by resolution of the board of county commissioners in  
 20 accordance with Paragraph (B)(5) Section 4.2 of the Alachua County Home Rule  
 21 Charter.

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 23 Question 5 2010 05 12.doc  
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**Question 6****Setting the Salaries of the Board of Charter Commissioners****May 12, 2010**

1           **A resolution proposing an amendment to the Legislative**  
2           **Branch section of the Home Rule Charter; amending Section**  
3           **2.2; abolishing the board of county commissioners as**  
4           **governing body of the county; transferring all the powers,**  
5           **duties and functions as governing body of the county 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; providing for referendum**  
13           **approval at the general election in 2010; providing effective**  
14           **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 4 by the electors at  
20           the November 2, 2010 general election, Subsections (A), (B) and (C), of Section  
21           2.2 of the Home Rule Charter of Alachua County are amended, and subsection  
22           (D) is added, to read:

**Question 6****Setting the Salaries of the Board of Charter Commissioners****May 12, 2010**

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 commissioners shall be set by county ordinance ~~the~~  
17 ~~same as those as set by general law for the county commissioners of noncharter~~  
18 ~~counties.~~ The salary in effect at the beginning of a commissioner's term in office  
19 shall not be lowered during that commissioner's term.

20 (D) Transition to Board of Charter Commissioners. Effective November  
21 16, 2010, the board of county commissioners shall be abolished and all the

**Question 6**

**Setting the Salaries of the Board of Charter Commissioners**

**May 12, 2010**

1 powers, duties and functions of the board of county commissioners shall be  
2 transferred to the board of charter 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 **Setting the Salaries of the Board of Charter Commissioners.**

9 If question 4 is adopted, shall the charter of Alachua County,  
10 Florida, be amended to require the salaries of members of the  
11 board of charter commissioners be set by ordinance rather than be  
12 the same as the salaries for county commissioners in noncharter  
13 counties?

14  
15 YES for approval \_\_\_\_\_

16 NO for rejection \_\_\_\_\_

17  
18 Section 4. Effective Dates. If question 4 is adopted, this resolution shall  
19 take effect on November 16, 2010 upon approval by a majority of the electors  
20 voting in the November 2, 2010 general election, provided that section 3 shall  
21 take 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.

**Question 6**  
**Setting the Salaries of the Board of Charter Commissioners**  
**May 12, 2010**

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**Question 7**  
**Abolishing constitutional officers and replacing with**  
**charter officers elected in a nonpartisan election**  
**May 12, 2010**

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A resolution proposing an amendment to the elected county constitutional offices section of the Home Rule Charter; amending Section 3.1; abolishing the constitutional offices of the sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections, transferring all the powers, duties and functions of such constitutional offices to charter offices of identical names; providing for the election of the charter officers of the sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections by the electors in a non-partisan 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. Section 3.1 of the Home Rule Charter of Alachua County is amended to read:

Sec. 3.1. Elected county constitutional offices.

The offices of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections shall be abolished and replaced with charter officers of the same respective names and ~~remain as~~ be chosen by the electors

**CODING:** Words stricken are deletions to the Alachua County Home Rule Charter; words underlined are additions to it.

**Question 7**  
**Abolishing constitutional officers and replacing with**  
**charter officers elected in a nonpartisan election**  
**May 12, 2010**

1 in a non-partisan election. ~~The charter elected constitutional~~ offices and the  
 2 powers, duties and functions shall not be altered by this home rule charter. The  
 3 charter ~~constitutional~~ officers shall perform their respective executive and  
 4 administrative functions as specified by law for constitutional officers of the same  
 5 name.

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

8 **Abolishing constitutional officers and replacing with charter**  
 9 **officers elected in a nonpartisan election.**

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

19 YES for approval \_\_\_\_\_

20 NO for rejection \_\_\_\_\_

21

**Question 7**  
**Abolishing constitutional officers and replacing with**  
**charter officers elected in a nonpartisan election**  
**May 12, 2010**

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

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12 Officers Question 7 2010 05 12.doc  
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**Single Member Districts for County Commissioners: Question 8  
June 4, 2010**

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

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

15  
16                Section 1. Subsections (A), (B) and (C), of Section 2.2 of the Home Rule  
17 Charter of Alachua County are amended, and subsection (D) is added, 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 established pursuant to general law.

23          The territory of each district shall be established by dividing the county into five

**Single Member Districts for County Commissioners: Question 8**  
**June 4, 2010**

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

11 (B) *Redistricting.* County commission district boundaries shall be  
 12 changed only after notice and a public hearing as provided by general law. The  
 13 territory of each district shall be adjusted periodically in accordance with general  
 14 law and subsection (A) of this section.

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

19 (D) Transition to Single Member Districts. Effective November 16,  
 20 2010, in accordance with subsection (A), to provide for a transition from county  
 21 wide elections to single member district elections, the board of county  
 22 commissioners shall provide for the election of commissioners by the district's  
 23 respective electors commencing with the primary and general elections to be

**Single Member Districts for County Commissioners: Question 8  
June 4, 2010**

1 held in 2012 for commissioners representing district one, district three and district  
 2 five. Commencing with the primary and general election in 2014, commissioners  
 3 representing district two and district four shall be elected by the respective  
 4 district's electors.

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

7 **Elect Five County Commissioners from Electors in Single**  
 8 **Member Districts.**

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

13  
 14 YES for approval \_\_\_\_\_

15 NO for rejection \_\_\_\_\_

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

22  
 23

## Mary Lowry

---

**From:** J.K. "Buddy" Irby [jki@alachuaclerk.org]  
**Sent:** Tuesday, June 01, 2010 2:27 PM  
**To:** Mary Lowry  
**Subject:** FW: charter review

Please add to Friday's agenda packet

---

**From:** Wally Grant [mailto:wallyg@bellsouth.net]  
**Sent:** Tuesday, June 01, 2010 10:51 AM  
**To:** bobackerman@brasingtons.com; dferguson1@cox.net; mitch@GlaeserOnline.com; vote4armando@gmail.com; J.K. "Buddy" Irby; little@law.ufl.edu; Luci8\_kky@yahoo.com; aagratitude@yahoo.com; paco25@bellsouth.netj; immysr@aol.com; rodnjan@cox.net; lura11220@bellsouth.net; amwood352@windstream.net; guy.york@sfcollege.edu  
**Subject:** charter review

Charter Review Commissioners:

As a resident of Alachua County and a resident of Melrose, I humbly request that single voter districts be established in our new county charter. For those of us who reside in the county we feel we have no representation on the County Commission. If we had a Commissioner who had to answer to his or her district specifically and had to actively campaign in the district, I think our needs and concerns could be addressed efficiently. Single member districts would encourage more people to involve themselves at election time, getting better quality candidates and giving the voters a better selection. The cost of running a single district campaign would be 20% of the cost of a county wide campaign therefore candidates who felt they could not afford to run because they did not have the capital could make up for the short fall of money with hard campaigning in a single district. Its a no-brainer and the voters win. I think it is time for accountability in our outer regions in the county.

Thank you for your considerations,

Wally Grant  
352-475-3324  
Melrose, Fl

FORT LAUDERDALE  
208 S.E. Sixth Street  
Fort Lauderdale, Florida 33301  
(954) 525-8000 Tel  
(954) 525-8331 Fax

TAMPA  
Suite 1060  
2502 Rocky Point Drive  
Tampa, Florida 33607  
(813) 281-2222 Tel  
(813) 281-0129 Fax

TALLAHASSEE  
Suite 200  
1500 Mahan Drive  
Tallahassee, Florida 32308  
(850) 224-4070 Tel  
(850) 224-4073 Fax



June 8, 2010

**Via Electronic Mail**

Alachua County Charter  
Review Commission  
County Administration Building  
12 S.E. 1st Street  
Gainesville, Florida 32602

Re: Charter Review Commission ("CRC") Update and Enclosures

Ladies and Gentlemen:

We have continued to work on the legal issues identified at the last public hearing. We have had several discussions with Beth Rawlins on the dual referendum issue, Question 3, but at this point we have not reached a consensus, and may not reach a consensus. But we will continue to work with her in hopes that this issue may be mutually resolved prior to tomorrow evening's meeting so that we can present a revision for your consideration.

The following documents for tomorrow night's third public hearing are enclosed.

- A revised Question 4 relating to board of charter commissioners that removes the reference to "abolish."
- An opinion letter regarding HB 131 and its effect on non-partisan charter commissioners (Question 5).
- A revised opinion letter on non-partisan constitutional officers and a revised Question 7 in accordance therewith.
- An opinion letter regarding single member districts which focuses on the criteria that no more than three districts touch the county line. We have not rewritten Question 8, as that issue is up for further consideration at the next meeting.
- A list of the eight questions revised to reflect the suggested changes.

Alachua County Charter  
Review Commission  
June 8, 2010  
Page 2

I look forward to seeing you all at tomorrow's meeting.

Sincerely yours,

*Sarah M. Bleakley*

Sarah M. Bleakley

SMB:sib

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**Question 4 Revised**  
**Replacing the Board of County Commissioners**  
**with a Board of Charter Commissioners**  
**June 9, 2010**

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 as**  
 4        **governing body of the county with a board of charter**  
 5        **commissioners; transferring all the powers, duties and**  
 6        **functions of the board of county commissioners to the board**  
 7        **of charter commissioners; deleting obsolete provisions;**  
 8        **providing directions to charter reviser; providing for transition**  
 9        **to the board of charter commissioners effective November 16,**  
 10       **2010; providing for referendum approval at the general**  
 11       **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), (B) and (C), of Section 2.2 of the Home Rule  
 17       Charter of Alachua County are amended, and subsection (D) is added, to read:

18       Sec. 2.2. Legislative branch.

19       (A)    *The charter ~~county~~ commission.* The governing body of the county  
 20       shall be a board of charter ~~county~~ commissioners composed of five (5) members  
 21       serving staggered terms of four (4) years. There shall be one (1) commissioner  
 22       for each of the five (5) charter ~~county~~ commission districts established pursuant

**Question 4 Revised**  
**Replacing the Board of County Commissioners**  
**with a Board of Charter Commissioners**  
**June 9, 2010**

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

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

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

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

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".

**Question 4 Revised**  
**Replacing the Board of County Commissioners**  
**with a Board of Charter Commissioners**  
**June 9, 2010**

1 Section 3. Referendum. The following question shall be presented to the  
 2 electors at the November 2, 2010 general election:

3 **Replacing the Board of County Commissioners with a Board of**  
 4 **Charter Commissioners.**

5 Shall the charter of Alachua County, Florida be amended effective  
 6 November 16, 2010 to replace the board of county commissioners  
 7 with a board of charter commissioners, transferring all the powers,  
 8 duties and functions of the board of county commissioners to a  
 9 board of charter commissioners which shall be the legislative and  
 10 the governing body of the county and allowing for further  
 11 amendments to the charter posed in questions 5 and 6?

12  
 13 YES for approval \_\_\_\_\_

14 NO for rejection \_\_\_\_\_

15  
 16 Section 4. Effective Dates. This resolution shall take effect on November  
 17 16, 2010 upon approval by a majority of the electors voting in the November 2,  
 18 2010 general election, provided that section 3 shall take effect upon adoption by  
 19 resolution of the board of county commissioners in accordance with Paragraph  
 20 (B)(5) Section 4.2 of the Alachua County Home Rule Charter.

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 23 F:\General Data\WPDATA\smb\Alachua\2010 Charter Review Commission\Questions Tentatively Approved\Charter Officers instead of Constitutional BOCC  
 24 Question 4\_revised\_2010 06 09.doc  
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TALLAHASSEE  
Suite 200  
1500 Mahan Drive  
Tallahassee, Florida 32308  
(850) 224-4070 Tel  
(850) 224-4073 Fax



Agenda Packet Page 42  
FORT LAUDERDALE  
208 S.E. Sixth Street  
Fort Lauderdale, Florida 33301  
(954) 525-8000 Tel  
(954) 525-8331 Fax

TAMPA  
Suite 1060  
2502 Rocky Point Drive  
Tampa, Florida 33607  
(813) 281-2222 Tel  
(813) 281-0129 Fax

June 8, 2010

**Via Electronic Mail**

Alachua County Charter  
Review Commission  
County Administration Building  
12 S.E. 1st Street  
Gainesville, Florida 32602

Re: Non-Partisan Election of Charter Commissioners (Question 5): Effect of Election Law Amendments in HB 131.

Ladies and Gentlemen:

As noted in our January 15, 2010 correspondence on non-partisan county commissioners, we had concluded that the Election Code requires county commissioners to be elected in partisan elections because the Legislature has so provided pursuant to Article VIII, section 1(e). But under the proposed change contemplated by Question 4 to charter commissioners, we concluded in our May 7, 2010 correspondence that the elections would not be required to be governed by the Legislature. In that correspondence we cautioned that then pending HB 131's preemption of all election matters to the state may preclude charter commissioners from being elected on a non-partisan basis. In response to your request, we have studied HB 131 now that it has become law and considered the exception it makes for municipal elections. Based on the broad expanse of charter county powers that include all municipal powers, we believe that the Alachua County Charter may lawfully provide for charter commissioners to be elected on a non-partisan basis. Our analysis of the issue begins with HB 131.

HB 131, which is now chapter 2010-167, Laws of Florida, includes the following provision:

All matters set forth in chapters 97-105 are preempted to the state, except as otherwise specifically authorized by state or federal law. The conduct of municipal elections shall be governed by s. 100.3605.

Emphasis supplied. The underscored sentence provides a municipal exception to the broad preemption language expressed in the first sentence.

Alachua County Charter  
 Review Commission  
 June 8, 2010  
 Page 2

Prior to the bill becoming law and at our request, in an informal opinion, the Division of Elections opined that HB 131 preempts a charter from establishing non-partisan elections for county commissioners. DOE Holland email (May 7, 2010). Accordingly, in our May 7, 2010 correspondence, we opined that if HB 131 becomes law, it would dissolve a charter amendment's power to require non-partisan elections of charter commissioners.

### **Scope of Charter County Power Includes Municipal Powers**

Charter county powers have been broadly granted by the constitution and broadly construed by the courts to include municipal power. "A county has all power of local self government. . . .", pursuant to Article VIII, section 1(g). The "power of local self government" includes municipal power as determined by several Florida Supreme Court opinions dating from 1972. See, e.g., State ex rel. Volusia County v. Dickinson, 259 So. 2d 9 (Fla. 1972) upholding a charter county's power to levy a tax statutorily authorized only for municipalities. As to whether the Legislature intends to limit the effect of a statute to only municipalities and not to charter counties, the rule of law is: "Charter counties . . . have the same powers and authority to implement ordinances as municipalities unless an intention to exclude them is plainly discernable in the statute." See, Palm Beach County v. Bellsouth Telecommunications, Inc., 819 So. 2d 876, 877 (Fla. 4<sup>th</sup> DCA 2002), upholding a charter county's levy of a municipal gross receipts tax on certain users of the rights of way. Thus, when a statute specifically authorizing an action by a municipality is silent as to a charter county's power, the courts have found a charter county has all the power of a municipality.

The Alachua County Charter, Section 1.1 provides:

#### **Sec. 1.1. Creation and general powers of home rule charter government.**

Alachua County shall be a home rule charter county, and, except as may be limited by this home rule charter, **shall have all county and municipal powers of self-government** granted now or in the future by the constitution and laws of the State of Florida.

(Emphasis supplied). This provision clearly authorizes Alachua County to exercise municipal power.

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With the backdrop of the charter provision and discussion of the rules of law concerning a charter county's municipal power, we examine the issue of whether HB 131's preemption exception for municipal elections allows the charter to authorize non-partisan elections of charter commissioners and charter officers.

The last sentence of HB 131 provides an exception for the conduct of municipal elections which are governed by section 100.3605. That section provides as follows:

100.3605 Conduct of municipal elections.--

(1) The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election **in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.**

(2) The governing body of a municipality may, by ordinance, change the dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes.

§100.3605, Fla. Stat. (emphasis supplied).

This section allows municipalities to establish election procedures locally by charter when the municipal election procedures do not conflict with, or make exceptions to, state law requirements. In reviewing the Election Code relating to qualifying candidates for office, we found only one specific provision relating to municipal candidates, and that did not concern party affiliated elections but addressed the qualifying fee.

Unlike the Florida constitutional requirement that county commissioner elections be as provided by law, the constitutional requirement for municipal legislative bodies is only that they be elected. Art. VIII, §2, Fla. Const. Thus, it would appear that municipal governments may be elected in non-partisan elections, as indeed many are so elected currently in Florida municipalities. Consequently, non-partisan elections for municipal officials do not violate the Constitution, nor does it violate section 100.3605, Florida Statutes.

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As summarized in the case law discussion above, a charter county may exercise any power authorized to a municipality by statute. HB 131 and section 100.3605, Florida Statutes, allow a municipal charter to provide for municipal elections in any way that does not conflict with the Election Code. Because the Election Code does not prohibit non-partisan municipal elections, it would appear that HB 131 does not preclude a charter amendment requiring non-partisan elections in a charter county. Consequently, the Alachua County Charter may be amended to require the non-partisan elections of charter commissioners.

Best regards,

*Sarah M. Bleakley*

Sarah M. Bleakley

SMB:sib

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June 8, 2010

**Via Electronic Mail**

Alachua County Charter  
Review Commission  
County Administration Building  
12 S.E. 1st Street  
Gainesville, Florida 32602

Re: Non-Partisan Elections of Constitutional Officers (Question 7)

Ladies and Gentlemen:

At your request, we have reviewed the broad election preemption language in HB 131 (now chapter 2010-167, Laws of Florida) and analyzed any effect it may have on the non-partisan election of charter officers. In doing so, we have reviewed our correspondence of January 15, 2010 and our analysis leading to the conclusion that the charter may not be amended to require the non-partisan election of the supervisor of elections. Based on the rationale in that correspondence, the Charter Review Commission ("CRC") has tentatively proposed Question 7 which abolishes the constitutional officers and transfers all their duties to charter officers of the same name and provided for their election on a non-partisan basis. At the last CRC meeting some concern was expressed about the question proposing to "abolish" the officers, as suggesting that the question may lead electors to believe the question accomplishes much more than the non-partisan election of the charter officers. With that concern in mind and in consideration of HB 131, we have conducted further research and analysis of the main question. We have reviewed the constitutional provision providing for constitutional officers and the appellate case law concerning non-partisan elections and term limits for county officers. We have also sought the advice of other local government attorneys. As outlined below, this further study and analysis has lead us to the revised conclusion that a charter amendment may propose the non-partisan election of constitutional officers without the necessity of abolishing them and replacing them with charter officers.

Article VIII, section 1(d), Florida Constitution, establishes county officers:

(d) COUNTY OFFICERS. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except, when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds.

Article VIII, §1(d), Fla. Const. (Emphasis supplied.)

Unlike the constitutional provision regarding county commissioners, the county officer provision expressly authorizes “any county officer may be chosen in another manner . . . specified [in the charter].” In our earlier correspondence, we had relied on a Florida Supreme Court opinion which ruled the authorization to choose any county officer in another manner as specified in the charter does not allow for the imposition of term limits by charter for county officers whose offices have not been abolished by county charter and the duties transferred to another official. See, Cook v. City of Jacksonville, 823 So 2d 86 (Fla. 2002). Our earlier correspondence reached the conclusion that Cook stands for the propositions that a charter cannot change the method of electing county officials unless those offices are abolished. Upon a closer reading of the opinion, it is our belief that Cook simply forbids a charter amendment from adding a disqualification for elections (such as term limits) unless and until the county office is abolished and its duties transferred to another official.

A narrower reading of Cook leads us to conclude that its only focus was on disqualifications such as term limits. Cook should not be read to prohibit non-partisan elections of county officers given that Article VIII, section 1(d) expressly provides for the selection of county officers in another manner as provided by a county charter. A further review of the case law addressing non-partisan elections for county officers and school board members support this view. HB 131 does not alter this conclusion.

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Review Commission  
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Page 3

Accordingly, Question 7 has been redrafted to delete any reference to abolishing the constitutional officers and to simply provide for their non-partisan election.

Best regards,

*Sarah M. Bleakley*

Sarah M. Bleakley

SMB:sib

**Question 7 Revised****Requiring the constitutional officers to be elected in a nonpartisan election****June 9, 2010**

1           **A resolution proposing an amendment to the elected county**  
2           **constitutional offices section of the Home Rule Charter;**  
3           **amending Section 3.1; requiring the non-partisan election of**  
4           **the constitutional officers of the sheriff, property appraiser, tax**  
5           **collector, clerk of the circuit court and supervisor of elections,**  
6           **providing for referendum approval at the general election in**  
7           **2010; providing effective dates.**

8

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

11

12           Section 1. Section 3.1 of the Home Rule Charter of Alachua County is  
13          amended to read:

14          Sec. 3.1. Elected county constitutional offices.

15           The offices of sheriff, property appraiser, tax collector, clerk of the circuit  
16          court and supervisor of elections shall remain as elected constitutional offices  
17          and the powers, duties and functions shall not be altered by this home rule  
18          charter. The constitutional officers shall perform their respective executive and  
19          administrative functions as specified by law. The constitutional officers shall be  
20          elected by the county electors in a non-partisan election.

21           Section 2. Referendum. The following question shall be presented to the  
22          electors at the November 2, 2010 general election:

**Question 7 Revised**

**Requiring the constitutional officers to be elected in a nonpartisan election**

**June 9, 2010**

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**Requiring The Constitutional Officers To Be Elected In A Non-partisan Election.**

Shall the charter of Alachua County, Florida, be amended to require the constitutional officers of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections be elected by vote of the electors in a non-partisan election, instead of one indicating a political party affiliation?

YES for approval \_\_\_\_\_

NO for rejection \_\_\_\_\_

Section 3. Effective Date. This resolution shall take effect upon approval by a majority of the electors voting in the November 2, 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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June 8, 2010

**Via Electronic Mail**

Alachua County Charter  
Review Commission  
County Administration Building  
12 S.E. 1st Street  
Gainesville, Florida 32602

Re: Single Member Districts for County Commissioners and Charter  
Commissioners

Ladies and Gentlemen:

You have asked whether the charter may require county commissioners or charter commissioners to be elected from single member districts with no more than three districts touching the county line. In our view, a charter amendment cannot impose such a requirement for county commissioners, but a charter amendment may impose such a requirement for charter commissioners, assuming the requirement does not violate federal law.

As discussed in our March 19, 2010 correspondence, section 124.011, Florida Statutes, authorizes the board of county commissioners to adopt a resolution placing a single member district question on the ballot. We opined that because the Alachua County Charter requires the board of county commissioners to adopt a resolution to place the Charter Review Commission's ("CRC") issues on the ballot, a CRC charter amendment may lawfully propose single member districts which the board of county commissioners must place on the ballot by resolution.

Our earlier correspondence did not discuss the issue of whether the CRC may require that the single member district requirement be qualified by no more than three districts touching the county line. The statute mandates a specific single member district question be placed on the ballot. Section 124.011(9)(a), Florida Statutes, provides:

In a county in which the board of county commissioners is composed of five members, each to be elected from single-member districts, the wording of the proposition on the ballot shall be as follows:

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Shall the five members of the board of county commissioners of \_\_\_\_\_ County, Florida, be elected to office from single-member districts by electors residing in each of those districts only?

\_\_\_\_\_yes

\_\_\_\_\_no

Because the statutory provision prescribes the ballot question, it is our view that the CRC may not deviate from it and impose an additional requirement, such as no more than three districts may touch the county line. Such a provision would be inconsistent with general law and consequently, it would violate Article VIII, section 1(g), Florida Constitution.

However, under the charter commissioner concept, the CRC is not limited by the wording of the statute, as the manner of election of charter commissioners is not controlled by the Legislature as it is for county commissioners pursuant to Article VIII, section 1(e), Florida Constitution. Thus, it is our view that the Florida Constitution allows the CRC to propose a charter amendment requiring single member districts for charter commissioners with no more than three districts touching the county line.

Best regards,

*Sarah M. Bleakley*

Sarah M. Bleakley

SMB:sib

**Alachua Charter Review Commission**  
**List of Tentative Questions for the Ballot (including revised questions)**  
June 9, 2010

**Question 1: 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 2: Limitation on County Commissioners' Authority to Amend or Repeal Ordinances Approved by Citizens Initiative..**

Shall the charter of Alachua County, Florida, be amended to extend from one year to five years the prohibition against the board of county commissioners from amending or repealing an ordinance approved by citizens initiative, and providing that during the second through fifth years, such an ordinance may be amended or repealed by the board of county commissioners by an affirmative vote of at least four of the five county commissioners?

YES  
NO

**Question 3: Require Both County and Municipal Voter Approval of Charter Amendments Affecting Municipal Regulatory Power.**

Shall the charter of Alachua County, Florida, be amended to require that a Charter Amendment that limits the regulatory power of a municipality shall take effect within or in regard to a municipality only if the amendment is approved by a majority of Alachua County voters and also approved by a majority of voters in that municipality, except when otherwise provided in a charter amendment or by the Legislature?

YES  
NO

**Question 4: Replacing the Board of County Commissioners with a Board of Charter Commissioners.**

Shall the charter of Alachua County, Florida be amended effective November 16, 2010 to replace the board of county commissioners with a board of charter commissioners, transferring all the powers, duties and functions of the board of county commissioners 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 5 and 6?

YES  
NO

**Question 5: Non-partisan Election of Board of Charter Commissioners.**

If question 4 is approved, 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 6: Setting the Salaries of the Board of Charter Commissioners.**

If question 4 is adopted, shall the charter of Alachua County, Florida, be amended to require the salaries of members of the board of charter commissioners be set by ordinance rather than be the same as the salaries for county commissioners in noncharter counties?

YES  
NO

**Question 7: Requiring The Constitutional Officers To Be Elected In A Non-partisan Election.**

Shall the charter of Alachua County, Florida, be amended to require the constitutional officers of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections, be elected by vote of the electors in a non-partisan election, instead of one indicating a political party affiliation?

YES  
NO

**Question 8: Elect Five County Commissioners from Electors in Single Member Districts.**

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

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**From:** [Armando Grundy-Gomes](#)  
**To:** [Mary Lowry](#); [Richelle M. Sucara](#); [Randall H. Reid](#); [Cynthia Moore Chestnut](#)  
**Subject:** Rule and Procedures for Public Input  
**Date:** Thursday, June 03, 2010 4:29:09 PM

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Mr. Chairman,

During our last meeting there were some actions and behavior that were disturbing and inconsistent that I wish to bring to your attention. We had citizens that requested to address a particular matter and you asked them to take their seats and you refused to recognize them; however, in the same meeting you allow another member to address our body who was not properly recognized. In order for us to have better input from our public in a more meaningful way you must allow the public to address us especially during a public hearing. We must cease and desist the notion of continuing business as usual when it comes to adopting rules and procedures as we go. At our next meeting I wish to address this matter to all of our body to hear their feeling as to how we should conduct public comments and input. A friendly suggestion might be to consider allowing comments once a motion is actually made by the commission and allow the public to have input to that particular piece of action. This would allow for a more concise discussion and for more input by the public so that we are not time constrained and the meeting would flow more smoothly. As a body we may want to adopt rules and procedures of the County Commission for addressing public comments. It is my hope that we will not have to address this matter anymore going forward or give any appearance of impropriety regarding who we allow to address our body; the public must be allowed to address us and to stifle that is unacceptable. Look forward to hearing your thoughts on the matter.

Warmest Regards,  
Armando Grundy  
Alachua County Charter Review Commission, Member

**Mary Lowry**

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**From:** Bleakley, Sarah [sbleakley@ngn-tally.com]  
**Sent:** Tuesday, June 08, 2010 9:21 AM  
**To:** Mary Lowry  
**Subject:** Commissioner Glaeser

Please forward the following to Commissioner Mitch Glaser regarding residency requirements for county and charter commissioners.

**RESIDENCY REQUIREMENT FOR COUNTY OR CHARTER COMMISSIONERS:**

Commissioner Glaeser, you have asked whether a charter amendment may require a minimum residency requirement for candidates for county commissioners or charter commissioners and combining it with another proposal currently under consideration by the CRC.

**COUNTY COMMISSIONER.** Article VIII, Section 1(e) prohibits imposing a residency requirement on county commissioners, other than the one constitutionally required: that the commissioner reside in the district from which he or she was elected at the time of election. Consequently, a charter amendment proposing county commissioners reside in the district at the time of qualifying or some time prior to qualifying is unconstitutional. See, State v. Grassi, 535 So 2d 1055 (Fla. 1998).

**CHARTER COMMISSIONER.** My research revealed no appellate court opinion addressing residency requirements for charter commissioners. In my view, residency for charter commissioners are not controlled by the requirements of Article VIII, Section 1(e). An unreasonable residency requirement may violate the federal constitution that provides citizens with a right to travel. However, a reasonable residence requirement for charter commissioners does not violate the Florida Constitution and should not violate federal constitutional protections either.

For example, Volusia County, with a county council form of charter government, has two residency requirements. One is that all commissioners be electors and residents of the county for two years immediately preceding the date on which they qualify to run for office. Additionally, "[t]he five members elected from districts shall have resided within the district from which they are elected for at least six months prior to the date on which they qualify to run for office. Any such council member who shall move residency from the district from which elected shall thereupon become disqualified to represent said district as council member and the office of the council member shall be deemed vacant." Section 302, Volusia County Charter.

**ISSUE PLACEMENT.** Imposing a residency requirement on charter commissioners would fit within any of the charter commissioner questions: Questions 4, 5 and 6. Although there are single subject requirements for certain types of referenda, current case law indicates that there are no single subject requirement for charter amendments.

I hope this is helpful to you. Let me know if you need further information.

Best regards,  
Sarah

**Sarah M. Bleakley, Esq.**



Nabors, Giblin & Nickerson, P.A.  
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**Eight Questions Tentatively Approved for the  
November 2, 2010 General Election Ballot  
by the Alachua County  
Charter Review Commission  
June 9, 2010**

Presented by:  
Sarah M. Bleakley

Nabors  
Giblin &  
Nickerson

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**Question 1: 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

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**Question 2: Limitation on County  
Commissioners' Authority to Amend or  
Repeal Ordinances Approved by  
Citizens Initiative**

Shall the charter of Alachua County, Florida, be amended to extend from one year to five years the prohibition against the board of county commissioners from amending or repealing an ordinance approved by citizens initiative, and providing that during the second through fifth years, such an ordinance may be amended or repealed by the board of county commissioners by an affirmative vote of at least four of the five county commissioners?

Nabors  
Giblin &  
Nickerson

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**Rev. Question 3: Require Both County and Municipal Elector Approval of Charter Amendments Affecting Certain Municipal Power**

Shall the Alachua County, Florida, charter be amended to require a future charter amendment limiting municipal power, which is not otherwise subject to Florida constitution's dual referendum requirement, shall take effect within or in regard to a municipality only if the amendment is approved by a majority of Alachua County electors and also approved by a majority of electors in that municipality, except when otherwise provided in a charter amendment or by the Legislature?

Nabors  
Giblin &  
Nickerson

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**Question 4: Abolishing the Board of County Commissioners and Replacing with a Board of Charter Commissioners**

Shall the charter of Alachua County, Florida be amended effective November 16, 2010 to abolish the board of county commissioners and to have all the powers, duties and functions 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 5 and 6?

Nabors  
Giblin &  
Nickerson

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**Rev. Question 4: Replacing the Board of County Commissioners with a Board of Charter Commissioners**

Shall the charter of Alachua County, Florida be amended effective November 16, 2010 to replace the board of county commissioners with a board of charter commissioners, transferring all the powers, duties and functions of the board of county commissioners 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 5 and 6?

Nabors  
Giblin &  
Nickerson

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**Question 5: Non-partisan Election of Board of Charter Commissioners**

If question 4 is approved, 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

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**Question 6: Setting the Salaries of the Board of Charter Commissioners**

If question 4 is adopted, shall the charter of Alachua County, Florida, be amended to require the salaries of members of the board of charter commissioners be set by ordinance rather than be the same as the salaries for county commissioners in noncharter counties?

Nabors  
Giblin &  
Nickerson

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**Question 7: Abolishing Constitutional Officers and Replacing with Charter Officers Elected in a Non-partisan 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 powers, duties and functions 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

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**Rev. Question 7: Requiring The Constitutional Officers To Be Elected In A Non-partisan Election**

Shall the charter of Alachua County, Florida, be amended to require the constitutional officers of sheriff, property appraiser, tax collector, clerk of the circuit court and supervisor of elections be elected by vote of the electors in a non-partisan election, instead of one indicating a political party affiliation?

Nabors  
Giblin &  
Nickerson

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**Question 8: Elect Five County Commissioners from Electors in Single Member Districts**

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

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1           **A resolution proposing an amendment to the Home Rule**  
2           **Charter Amendment section of the Home Rule Charter;**  
3           **amending Section 4.2, relating to home rule charter**  
4           **amendments to add a new subsection (D); providing that**  
5           **certain charter amendments approved after January 1, 2011**  
6           **that limit certain power of a municipality shall be effective in**  
7           **every municipality except those whose voters do not approve**  
8           **the amendment; providing exceptions; providing for**  
9           **referendum approval at the general election in 2010; providing**  
10           **effective dates.**

11  
12           **Be it resolved by the Charter Review Commission of Alachua County,**  
13           **Florida:**

14  
15           Section 1. Subsection (D) is added to Section 4.2 of the Home Rule  
16 Charter of Alachua County to read:

17           Sec. 4.2. Home rule charter amendments.

18           (D) Home Rule Charter Amendments Affecting Municipal Regulatory  
19 Power. Effective January 1, 2011, an amendment adopted pursuant to this  
20 charter that limits a power of a municipality, not otherwise subject to the dual  
21 referendum requirement pursuant to Article VIII, section 4, Florida Constitution,  
22 shall be effective within or in regard to a municipality, except that it shall not be

1 effective within or in regard to a municipality where a majority of the electors  
2 voting in the referendum in that municipality do not approve the amendment..  
3 Provided however, such an amendment proposed pursuant to this charter may  
4 have county wide effect, including those municipalities whose electors do not  
5 approve the amendment, when the amendment expressly declares that it be  
6 effective county wide. Provided further however, the limitation on county wide  
7 effectiveness of a charter amendment shall not supersede an inconsistent  
8 special law approved by the electors or a general law authorizing the adoption of  
9 a charter amendment preempting a municipal regulatory power to the county.

10 Section 2. Referendum. The following question shall be presented to the  
11 electors at the November 2, 2010 general election:

12 **Require Both County and Municipal Elector Approval of**  
13 **Charter Amendments Affecting Certain Municipal Power.**

14 Shall the Alachua County, Florida, charter be amended to require a  
15 future charter amendment limiting municipal power, which is not  
16 otherwise subject to Florida constitution's dual referendum  
17 requirement, shall take effect within or in regard to a municipality  
18 only if the amendment is approved by a majority of Alachua County  
19 electors and also approved by a majority of electors in that  
20 municipality, except when otherwise provided in a charter  
21 amendment or by the Legislature?  
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YES for approval \_\_\_\_\_

NO for rejection \_\_\_\_\_

Section 4. Effective Dates. This resolution shall take effect on January 1, 2011 if approved by a majority of the electors voting in the November 2, 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.