

**ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

ITEM #: 44R - 072500	AGENDA SECTION: Time Certain	
MEETING DATE: July 25, 2000	DATE COMPLETED: July 11, 2000	TIME CERTAIN: 10:00 a.m.
ITEM DESCRIPTION: Final report of the 1999/2000 Charter Review Commission and resolution authorizing the placement of four Charter amendments on the November 7, 2000 general election ballot		
REQUESTED BY: Charter Review Commission	ORIGINATING DEPARTMENT: County Manager	PREPARED BY: DJ Williams PREPARER'S PHONE #: 374-5210
DOCUMENT(S) REQUIRING ACTION: Report Resolution		AMOUNT: n/a

EXECUTIVE SUMMARY

Based upon Section 4.2.B(1) of the Alachua County Home Rule Charter, "a charter review commission consisting not less than 11 nor more than 15 electors of the County shall be appointed by the board of the county commissioners at least 12 months before the general election occurring in 1990 and at least 12 months before the general election occurring every ten years thereafter". Consequently, the Charter Review Commission (CRC) was empaneled on July 27, 1999 to review the Charter and make any applicable proposed amendments.

BACKGROUND

The CRC began meeting on August 20, 1999. Based upon three community meetings, input from elected officials and various correspondence, approximately 27 tentative study issues were identified. The CRC conducted a deliberative review process to determine the initiatives (if any) which should be presented for placement on the general election ballot. Based upon a majority vote, the following issues were scheduled for the required three public hearings: County environmental ordinances prevailing over municipal ordinances, joint planning, independent performance auditor, County Commission residency requirements, and empanelment and dissolution of the CRC. The public hearings were conducted on May 18, June 1 and June 15. As a result of the input received at the hearings and discussion among the CRC, the members approved not proceeding with placing the independent performance auditor initiative at the June 27, 2000 CRC meeting.

The CRC is submitting to the County Commission the referendum initiatives which follow for placement on the November 7 ballot:

- 1) County environmental ordinances prevailing over municipal ordinances;
- 2) County Commission district residency requirements;
- 3) Appointment and dissolution of the CRC; and
- 4) Joint Planning;

Based upon the Charter, no later than 90 days before the general election the CRC shall deliver to the Board of County Commissioners the proposed amendments or revisions (if any) and the Board of County Commissioners shall by the resolution place such amendments or revisions on the general election ballot.

Finally, the CRC intends to implement an educational campaign to educate the public on the proposed amendments. This campaign will occur from August, 2000 - October, 2000. The cost of this campaign has not been determined nor is this expense budgeted.

**ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

ACTION

Recommendation: Accept the report, adopt the resolution and authorize the Chair's signature.

Alternative #1:

FISCAL IMPACT

Recommendation:

Alternative #1:

Funding Sources:

Account Code:

ATTACHMENTS: Report
Resolution

SUGGESTED REFERENCE MATERIAL: Alachua County Home Rule Charter

Dept. Director Approval

OMB Approval

DW
Legal Approval

RHR
County Admin. Approval

COMMISSION ACTION:

Approved: _____ Denied: _____

Additional Action: _____

RESOLUTION 00 - 57

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA ACKNOWLEDGING RECEIPT OF THE REPORT OF THE ALACHUA COUNTY CHARTER REVIEW COMMISSION, DIRECTING PLACEMENT OF FOUR PROPOSED ALACHUA COUNTY CHARTER AMENDMENTS ON THE NOVEMBER 7, 2000 GENERAL ELECTION BALLOT AS APPROVED AND SUBMITTED BY THE CHARTER REVIEW COMMISSION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Alachua County Home Rule Charter specifies that a charter review commission consisting of not less than 11 nor more than 15 electors of the county shall be appointed by the board of county commissioners at least 12 months before the general election occurring in 1990 and at least 12 months before the general election occurring every ten years thereafter to review the home rule charter and proposed any amendments or revisions which may be advisable for placement on the general election ballot;

WHEREAS, the Alachua County Commission appointed 14 electors of the county to a Charter Review Commission on July 27, 1999;

WHEREAS, the Charter Review Commission has met regularly and in public over the course of 12 months to review the Home Rule Charter for possible amendments or revisions which may be advisable for placement on the November 7, 2000 general election ballot;

WHEREAS, in the course of its public meetings and solicitation of ideas from elected officials and the public, the Charter Review Commission considered and approved the following five proposals as possible amendments or revisions to the Charter:

- county environmental ordinances prevailing over municipal ordinances;**
- joint planning**
- independent performance auditor;**
- appointment and dissolution of the Charter Review Commission; and**
- County Commission residency requirement.**

WHEREAS, the Charter Review Commission conducted three public hearings on the above-referenced five proposed Charter amendments on May 18, June 1 and June 15, 2000 and, following said public hearings, the Charter Review Commission voted upon the five proposed amendments; and

WHEREAS, of the five proposals considered by the Charter Review Commission, the proposed amendments related to county environmental ordinances prevailing over municipal ordinances, joint planning, appointment and dissolution of the Charter Review Commission and County Commission residency requirement each received favorable votes of at least a majority of the Charter Review Commission;

WHEREAS, the Charter provides that no Charter amendment or revision shall be submitted to the electorate for adoption unless favorably voted upon by a majority of the entire membership of the Charter Review Commission;

WHEREAS, the Charter further provides that, no later than 90 days before the general election, the Charter Review Commission shall deliver to the Alachua County Commission the proposed amendments or revisions to the Charter and the Alachua County Commission shall by resolution place such amendments or revisions on the general election ballot;

WHEREAS, the Charter Review Commission has delivered to the Alachua County Commission its report containing the proposed amendments to the Charter and proposed ballot language for submittal to the electors at the November 7, 2000 general election;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA:

1. The Alachua County Commission acknowledges receipt of the report of the Alachua County Charter Review Commission, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference as if set out in full.
2. The following proposed amendments to the Alachua County Charter, approved by favorable vote of at least a majority of the membership of the Charter Review Commission and submitted by the Charter Review Commission, shall be placed on the ballot and submitted to the electors of Alachua County at the November 7, 2000 general election:

1. Proposal changing the relationship of county and municipal ordinances when a county ordinance regulates air or water pollution.
 - a) Section 1.04, Relation to municipal ordinances, of the Alachua County Charter is amended to read:

Municipal ordinances shall prevail over county ordinances to the extent of any conflict. Notwithstanding the foregoing, if the county and a municipality enact ordinances establishing different standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, the ordinances imposing more

stringent standards shall prevail to the extent of the difference and be fully enforceable within the boundaries of such municipality; however, the ordinances imposing less stringent standards shall not be deemed to conflict with ordinances imposing more stringent standards and shall also be fully enforceable within the boundaries of such municipality.

- b) Ballot question. The amendment in subsection "a" above shall be offered to the electorate of Alachua County at a referendum to be conducted on November 7, 2000. The wording of the proposition on the ballot shall be substantially as follows:

ALACHUA COUNTY CHARTER AMENDMENT 1

Relationship between county and municipal ordinances regulating air or water pollution.

SHALL THE ALACHUA COUNTY CHARTER BE AMENDED TO PROVIDE THAT BOTH COUNTY AND MUNICIPAL ORDINANCES ESTABLISHING STANDARDS FOR PROTECTING THE ENVIRONMENT BY PROHIBITING OR REGULATING AIR OR WATER POLLUTION BE ENFORCEABLE WITHIN THE BOUNDARIES OF MUNICIPALITIES?

2. Proposal authorizing joint planning agreements.

- a) Section 1.5., Land Use Planning, is added to the Alachua County Charter to read:

Each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area not located within any area designated pursuant to general or special law as a reserve for annexation by another municipality or in portions of the area within such municipality.

- b) Ballot question. The amendment in subsection "a" above shall be offered to the electorate of Alachua County at a referendum to be conducted on November 7, 2000. The wording of the proposition on the ballot shall be substantially as follows:

ALACHUA COUNTY CHARTER AMENDMENT 2

Authorization for joint planning agreements

SHALL THE ALACHUA COUNTY CHARTER BE AMENDED TO AUTHORIZE INTERLOCAL AGREEMENTS BETWEEN THE COUNTY AND MUNICIPALITIES TO PROVIDE FOR JOINT PLANNING WITHIN THE MUNICIPALITY AND PORTIONS OF THE UNINCORPORATED AREA NOT RESERVED FOR ANNEXATION BY ANOTHER MUNICIPALITY?

3. Proposal related to appointment and dissolution of the charter review commission.

a) Section 4.2 (B) 1 and 6 (Amendments and revisions by charter review commission) of the Alachua County Charter is amended to read:

(B) *Amendments and revisions by charter review commission.*

(1) A charter review commission consisting of not less than eleven (11) nor more than fifteen (15) electors of the county shall be appointed by the board of county commissioners at least twelve (12) months but not more than eighteen (18) months before the general election occurring in 1990 and at least twelve (12) months but not more than eighteen (18) months before the general election occurring every ten (10) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the state legislature or the board of county commissioners shall be a member of the charter review commission. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(6) If it does not submit any proposed charter amendments or revisions to the board of county commissioners at least ninety (90) days prior to the general election, the charter review commission shall be automatically dissolved. Otherwise ~~upon acceptance or rejection of the proposed amendments or revisions by the electors,~~ the charter review commission shall be automatically dissolved on the date of such general election.

Upon dissolution of the charter review commission, all property of the charter review commission shall thereupon become the property of the county.

- b) Ballot question. The amendment in subsection "a" above shall be offered to the electorate of Alachua County at a referendum to be conducted on November 7, 2000. The wording of the proposition on the ballot shall be substantially as follows:

ALACHUA COUNTY CHARTER AMENDMENT 3
Appointment and termination of the charter review commission

SHALL THE ALACHUA COUNTY CHARTER BE AMENDED TO PROVIDE THAT A CHARTER REVIEW COMMISSION CANNOT BE APPOINTED EARLIER THAN 18 MONTHS PRIOR TO THE GENERAL ELECTION AT WHICH AMENDMENTS MAY BE PROPOSED AND WILL AUTOMATICALLY TERMINATE ON THE DATE OF SUCH GENERAL ELECTION?

4. Proposal related to county commission residency requirements.

- a) Section 2.2.A (Legislative Branch) of the Alachua County Charter is amended to read:
- (A) *The county commission.* The governing body of the county shall be a board of county commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one (1) commissioner for each of the five (5) county commission districts established pursuant to general law and they shall be elected on a countywide basis by the electors of the county. ~~Each candidate for the office of county commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for the office; and during~~ During the term of office each commissioner shall reside in the district from which such commissioner ran for office, provided that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.
- b) Ballot question. The amendment in subsection "a" above shall be offered to the electorate of Alachua County at a referendum to be conducted on November 7, 2000. The wording of the proposition on the ballot shall be substantially as follows:

ALACHUA COUNTY CHARTER AMENDMENT 4
County commission residency requirements

SHALL THE ALACHUA COUNTY CHARTER BE
AMENDED TO REMOVE THE CURRENT
UNENFORCEABLE REQUIREMENT TO RESIDE WITHIN
THE DISTRICT ON THE DATE OF QUALIFICATION?

5. The Alachua County Commission acknowledges that the Chairman of the Charter Review Commission and legal counsel, in coordination with the County Manager's Office, may make further modifications to the ballot wording set forth above as may be necessary or desirable under the Constitution and laws of the State of Florida, so long as such modifications do not alter the substance and provided any such revisions shall be reported to the Charter Review Commission and the Alachua County Commission.
6. The notice of the Charter amendment referendum election shall be published as provided for in Section 100.342, Florida Statutes.
7. That this resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 25th day of July, A.D. 2000.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

BY: Penelope Wheat
Penelope Wheat, Chair

ATTEST:

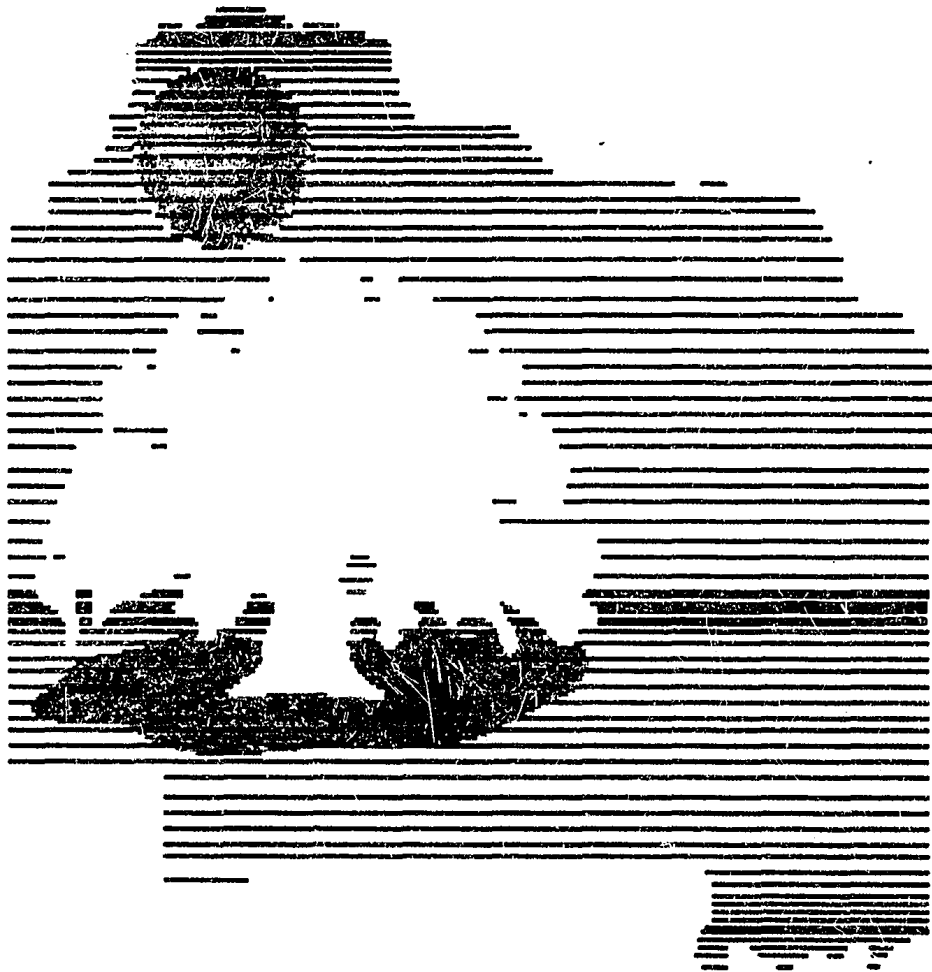
Shirley D. Lane
for J. K. "Buddy" Irby, Clerk

APPROVED AS TO FORM:

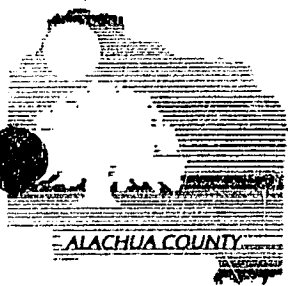
D. W. [Signature]
Alachua County Attorney

cma\committe\crc\reso00-2.wpd

**ALACHUA COUNTY
COMMISSIONERS
MEETING**



JULY 2000



Board of County Commissioners

ALACHUA COUNTY CHARTER REVIEW COMMISSION

P.O. Box 2877 • Gainesville, Florida 32602-2877
Tel. (352) 374-5210 • Fax (352) 338-7363
1-800-491-4496 (toll free) • Suncom 651-5210

CRC Members

Janet Wootten
Chair

Jimmy Massey
Vice Chair

William "Clay" Martin
Second Vice Chair

K. Richard Blount

Harvey Budd

Edward Crapo

Rodney Estes

Mitchell Glaeser

Pegeen Hanrahan

Regina Hawkins

Fredrick Peterkin

Beverly Thomas

Susan Wright

July 20, 2000

Alachua County Board of County Commissioners
P.O. Box 2877
Gainesville, Florida 32602-2877

Dear Commissioners:

Attached is the report of the activities of the Alachua County Charter Review Commission, which has been meeting in regular sessions for almost a year following our appointments to this body by you. Over the course of this year, we have considered twenty-five issues that were brought to our attention. Many issues were discussed at length, as we seriously sought to provide the Commission and the citizens of Alachua County the best information and advice possible.

Our work consisted of three phases. The first phase was exploratory, during which we visited each city commission in Alachua County seeking input, conducted community meetings, solicited input from citizens via print media and email, received presentations from elected officials and various experts, and reviewed Charters from other Florida county governments. The next phase included in-depth discussion and selection of ballot items and drafting the language to be used in the proposed Charter amendments. Our final phase consisted of the public education phase, during which we have held three public hearings and which is still ongoing.

Over the past several months we have listened to experts from the University of Florida, from all of the County Charter officers, and from experts from other government agencies that we invited to come and talk with us, provide us with information, and enlighten us on various aspects of the issues we were discussing.

As our report indicates, the Charter Review Commission is submitting the following four issues to be placed on the ballot:

1. County ordinances regulating air and water pollution prevailing over municipal ordinances except where municipal ordinances are stronger.



July 20, 2000

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2. Authorization for joint planning agreements between the county and municipalities.
3. Appointment and dissolution of the Charter Review Commission.
4. County commission district residency requirements made consistent with Florida statutes.

The last two amendments are "clean up" items that are necessary to make our Charter comply with current Florida statutes.

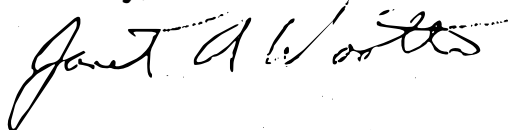
Of special interest is the issue of single member districting, which we studied extensively. The issue failed to receive enough votes among our group to forward to you for the ballot.

Along with the history of our efforts, the attached report includes ballot language for each of the four items we are suggesting for placement on the November, 2000 ballot in the general election.

We took our work as members of the Charter Review Commission seriously and at all times kept in mind our goal - to discuss and propose ideas to improve government and life for the citizens of Alachua County.

On behalf of all of the commission members, thank you for allowing us to be of service to our neighbors in Alachua County.

Sincerely,

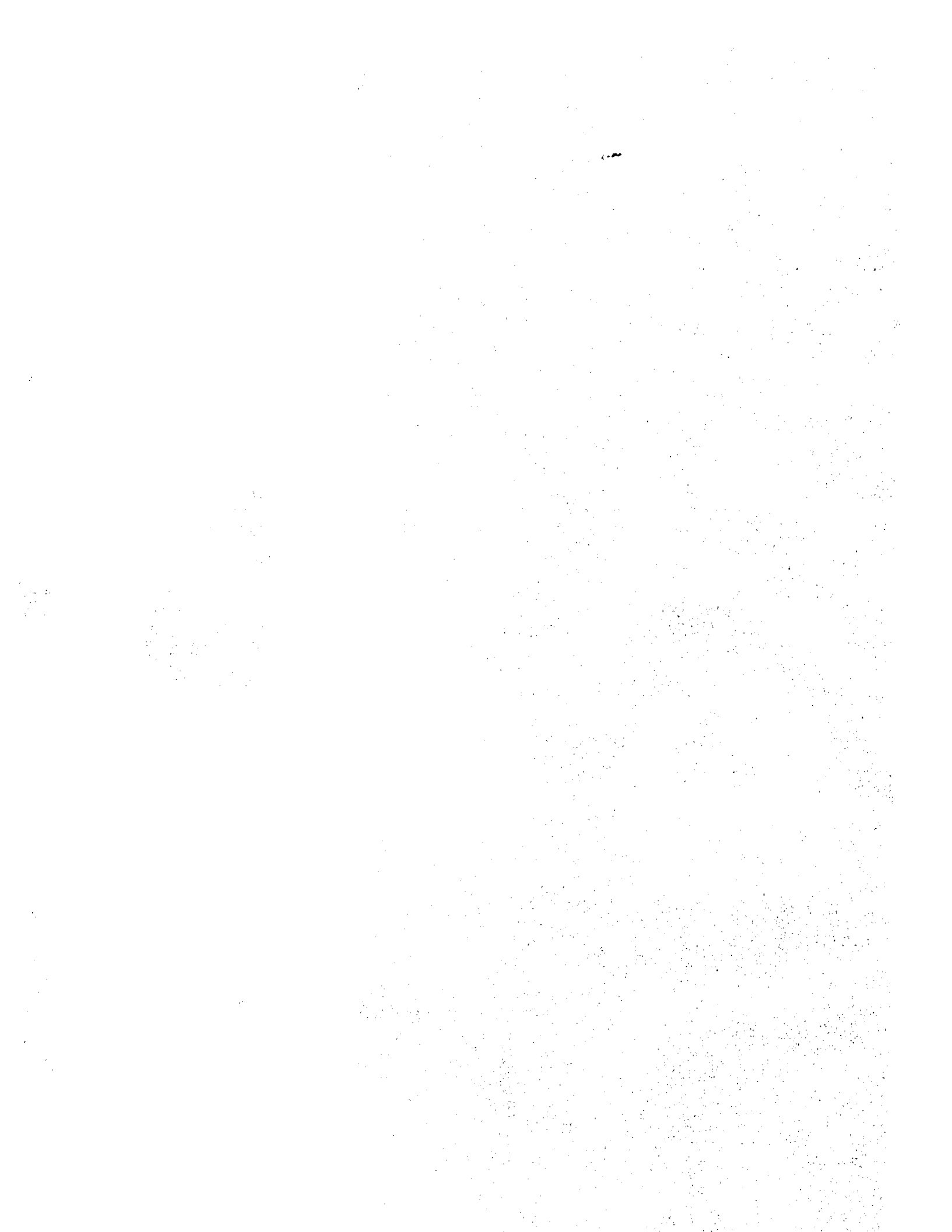


Janet A. Wootten, Chair
Alachua County Charter Review Commission

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Introduction

History and Duties

Alachua County's Home Rule Charter was approved by the electorate and became effective on January 1, 1987. The Alachua County Charter provides for establishment of a Charter Review Commission (hereafter referred to as CRC) and specifies that this group is to be convened by the Board of County Commissioners. The CRC is charged with the periodic review of the Home Rule Charter, with the intent of allowing citizen input and direction for the government of the county. The CRC is one of several methods that issues can be placed on the ballot to change County government. The CRC has no power to change taxes, influence municipalities or change the powers, duties, compensation, and method of payment of state and County officers.

Member Selection Process

At its July 27, 1999 meeting, the Alachua County Commission empaneled the CRC based upon Section 4.2.B of the Home Rule Charter, which specifies that "a charter review commission consisting of not less than 11 nor more than 15 electors of the county shall be appointed by the board of county commissioners at least 12 months before the general election occurring in 1990 and at least 12 months before the general election occurring ten years thereafter to review the home rule charter and propose any amendments or revisions". Sixty-eight applicants were considered and 14 appointments were made. The first organizational meeting was conducted on August 20, 1999 and a Chair (Janet Wootten) and a Vice-Chair (Jimmy Massey) were selected.

Study Methodology

The CRC began its work by receiving a presentation from the County's legal staff on the extent of the CRC's authority, the Sunshine Law, financial disclosure and the practical/legal matters related to charter amendments. It was suggested that the CRC appoint an independent counsel to

greater assist the CRC with understanding the extent of its authority. Professor Joe Little (University of Florida Law School and an expert in Constitutional law) and Jon Mills (who was the Chair of the Florida Constitutional Revision Commission) were invited to be guest speakers.

The CRC was advised that it is limited in its work because it can not propose any changes to taxes, does not have the power to influence municipalities nor can the CRC change the powers, duties, compensation and method of payment of state and county officers fixed by law. These limits were based upon the Florida constitution and Florida Statutes.

According to Professor Little, the CRC is authorized to propose changes related to the following:

1. Form of government;
2. Constitutional Charter officers (tax collector, property appraiser, sheriff, supervisor of elections, and clerk of court); and
3. Conflict between county and municipal ordinances.

Professor Little also recommended that the CRC consider hiring an independent counsel to assist with the CRC's work. Based upon continued concerns by CRC members, the decision was made to hire independent counsel. The Alachua County Attorney identified attorneys who were interested in serving as the CRC's independent counsel.

Letters of interest were solicited from various attorneys and presentations were received from Patrice Boyes, Jim Konish, John McPherson, George Nickerson and Jonathan Wershow. Based upon the ranking, George Nickerson was selected as the CRC's independent counsel. The scope of services for the independent counsel includes assisting the CRC with developing its study parameters and drafting ballot language.

Jon Mills provided his presentation on the work of the Constitutional Revision Commission body. The presentation addressed this Commission's appointment process, voting, drafting ballot language, and outlining the pros/cons of issues.

The CRC's work consisted of the following three phases:

1. Exploratory
2. Draft language; and
3. Public promotions.

The Exploratory Phase

The various components of the exploratory phase included attending various city/county commission meetings, conducting community meetings, soliciting input from citizens via print media and email, receiving presentations from elected officials and various experts; and reviewing Charters from other County governments (e.g. Broward, Orange, and Volusia).

As a component of the exploratory phase, members of the CRC attended the City Commission meetings of the following municipalities:

1. Alachua;
2. Archer;
3. Gainesville;
4. Hawthorne
5. High Springs;
6. Lacrosse;
7. Micanopy;
8. Newberry; and
9. Waldo.

Members of the CRC attended these meetings to obtain input from elected officials and citizens regarding any suggestions that they may have for the CRC's work. Some of the suggestions which were received included the need for single-member districts, reducing County Commission salaries, term limits, campaign financing and residency requirements for County Commissioners.

Additionally, input was received from the Alachua County Commission. Suggestions included residency requirements and having a short list for issues which may be placed on the ballot.

To provide additional opportunities for public input, three community meetings were conducted on the following dates:

1. October 13, 1999 (Millhopper Branch Library);
2. October 18, 1999 (Tower Road Branch Library); and
3. October 20, 1999 (T.B. McPherson Recreational Center).

Input which was received from citizens during these meetings included the following suggestions:

1. County environmental ordinances should prevail over municipal ordinances;
2. A joint planning structure should be established;
3. County Commission salaries should be controlled locally; and
4. The CRC should be empaneled more frequently than every ten years.

To acquire a better understanding of the functions/operations of the constitutional offices, these elected officials were invited to provide presentations. Each Constitutional officer accepted the invitation to discuss the functions/operations of his/her office.

Because of the extensive interest in the subject of establishing single-member districts for the County, Dr. Ken Wald (University of Florida Professor and expert in this field) was invited to provide a presentation on this subject. It was explained that single member districts are physical subdivisions which are used to elect representatives. Only residents living in the district can vote and only residents living in the district can run for office. The CRC was informed that single member districts once were the most common form of election system but were attacked by reformers. The single member district voting system began a comeback in the 1960's because of legal demands (e.g. civil rights arguments) and neighborhood forces. Most communities with the population of Alachua County (100 - 500 thousand) have a mixed election system (i.e. at-large and single member district seats).

Some of the advantages of single member districts include facilitating the election of minority groups that are geographically concentrated, enabling minority groups to better elect representatives of their choosing, encouraging candidates to have direct contact with people in the district and diminishing the influence of the media. Disadvantages include diminishing the impact of minority groups, encouraging representatives to think narrowly, reducing overall voter turnout, reducing the sense of ownership and producing political paralysis.

The single member district process requires a change in the Charter, the boundaries of the district are determine via an "ordinary" piece of legislation and is done every ten years. The following criteria must be satisfied: the district must be of equal size by population at the time of the census, contiguous and compact; and must respect communities of interest. Based upon the 1993 case of Shaw -v- Reno, race can not be the predominant factor in creating districts.

Another strategy for receiving citizen input involved placing notices in the Gainesville Sun and on the CRC's website. The deadline for receiving all study issues was January 11, 2000. After compiling all of the input which had been received over a five-month period, independent counsel was requested to review and comment on the following list:

1. County ordinances prevailing over municipal ordinances;
2. County environmental ordinances prevailing over municipal ordinances;
3. Municipalities should maintain the ability to exercise home rule;
4. Flexibility to empanel the CRC more frequently than very ten years;
5. County Commission salary structure should be controlled locally;
6. Salary reduction for County Commission;
7. Establish a joint planning structure;
8. Repeal the Boundary Adjustment Act;
9. Term limits for County Commission;
10. Specify a certain amount of funding for land conservation;
11. Assess a fee for the use of all governmental resources;
12. Single member districts;
13. High costs of county-wide campaigns;
14. District residency requirement;
15. Non partisan elections for all County elected officials;
16. Limits on the autonomy of the Sheriff;
17. Fire service consolidation;
18. Review issues from the sustainability perspective;
19. Independent auditor;
20. Conflicts in Charter (glitches);
21. Campaign finance regulations
22. Special districts should have elected officials serving as governing body;
23. Annexation regulations;
24. Assure appropriate level of staffing and funding for the environmental protection office;
25. Police review board comprised of citizens and officers (Sheriff).

To facilitate the process as to the issues that would be selected to move forward to the public hearings, the following procedure was developed and approved by the CRC:

1. Idea Exploration

- 1a) The Charter Review Commission (CRC) shall compile a list of all ideas or issues submitted to the CRC through *January 11, 2000*. The items on this list will be the items under consideration for placement on the ballot by the CRC.

2. Narrowing the Ideas

- 2a) Legal review will be requested for each list item to help narrow ideas or issues on the list to those which are within the purview of the CRC .**
- 2b) CRC will vote on each of the list items to determine if the item should remain on the list. An affirmative vote by more than one-half of the CRC members present at the meeting will retain an item on the list for further discussion and/or research. An affirmative vote does not necessarily imply support for or against the merits of any issue, idea or item and is solely intended to indicate an interest in further discussion or research of the item. Items that do not receive more than one-half of the votes of the CRC members present at the meeting will be removed from the list and will therefore be removed from consideration by the CRC as a potential ballot item.**
- 2c) In depth discussion and/or research will occur for each of the items on the list. The discussions of these items must be individually listed on the agenda of a CRC meeting which is published at least seven (7) days prior to that CRC meeting.**
- 2d) CRC members may propose ballot items that address one or more of the list items. A proposed ballot item does not need to contain proper legal language or intended final wording but should clearly identify the idea, concept, points and intended position on the issue(s) it addresses.**

3. Selection of Proposed Ballot Items to Present at Public Hearings

- 3a) A list of the proposed ballot items from step 2d will be presented to each CRC member along with the complete text of each of the proposed items.**
- 3b) The CRC will vote as follows to determine which ballot item proposals it will pursue.**
 - 3b.1) a weighted vote will be taken to determine a ranked list of the proposed items. Each CRC member will be given 100 votes that they can assign in any amount to one or more of the proposed items. The total of all CRC votes cast to each item will determine the ranking of the items. The item with the most votes will be ranked highest.**

- 3b.2) the CRC will then vote on each individual item on the ranked list, beginning with the highest ranked item, to decide if that item will be selected. An affirmative vote by more than one-half of the total membership of the CRC will select an item for placement on the ballot and referral to the public hearings.
- 3b.3) following the vote on each proposed item, the CRC will then vote to determine if it will continue the selection process. In the event that multiple proposed items share the same ranking, each item within the same ranking will be voted upon according to step 3b.2 before the vote on whether or not to continue the selection process is held. An affirmative vote by more than one-half of the total membership of the CRC will allow the CRC to then vote on the next highest ranking item on the list according to procedure step 3b.2. A vote of one-half or less of the total membership of the CRC will end the selection process.

It is the intent of procedure in step 3b to provide a means for the CRC to limit the number of ballot items being referred to the public hearings while, at the same time, insuring that those items of greatest interest to the CRC have a prioritized opportunity to be one of the limited, selected ballot items. This procedure gives the CRC the flexibility to determine where the limit on the number of selected items will be drawn and with the knowledge of which items have and have yet to be selected.

- 3c) The selected ballot items will be forwarded to legal staff for proper crafting of "final-draft" ballot language.
- 3d) The CRC will hold a final vote on each of the selected ballot items to accept the "final-draft" ballot language and forward the item onto the public hearings. A vote of more than one-half of the CRC membership present at the meeting will adopt the final-draft ballot language and forward the item to the public hearings. The CRC may also vote by more than one-half of the CRC to return an item to legal staff for modification to its language and the item would then return to the CRC for another vote as described in step 3d.

4. Final Submission of Ballot Items

Following three (3) properly noticed public hearing, the CRC will hold a final vote on each of the intended ballot items and any amendments or changes that are proposed as a result of the public hearings. A vote of more than one-half of the total membership of the CRC will forward the item for ballot submission.

Based upon implementation of this procedure, a number of the study issues were removed from the tentative list and the following issues remained:

1. County ordinances prevailing over municipal ordinances;
2. County environmental ordinances prevailing over municipal ordinances;
3. Flexibility to empanel the CRC more frequently than every ten years;
4. County Commission salary structure should be controlled locally;
5. Establish a joint planning structure;
6. Assess a fee for the use of all governmental resources;
7. Single member districts;
8. Independent auditor; and
9. conflicts in Charter (glitches).

The CRC received a presentation and a staff report on joint planning models. The staff report outlined various local governments (e.g Broward, Charlotte/Meckenberg, Hillsborough and Volusia Counties) joint planning structures. This information also included funding, duties, decision-making authority and issues. Alachua County's current joint planning activities with the City of Gainesville were also outlined.

A presentation was received from the City of Gainesville Auditor regarding the independent auditor issue. The City Auditor's role and responsibilities were explained. These responsibilities include providing operational auditing and compliance review. According to the Gainesville City Auditor, the Auditor's goal is to ensure that the internal controls are implemented. The CRC was also provided with statistical data regarding auditors in county government across Florida.

The Clerk to the County Commission provided input to the CRC regarding creating an independent auditor position reporting directly to the County Commission. It envisioned that this auditor would be responsible for conducting performance audits for those operational departments which are under the purview of the County Commission. The independent auditor may also conduct performance audits for each Constitutional Officer provided that there is agreement between the County Commission and the Constitutional Officer that such audit will be performed.

After additional discussions and guidance from legal counsel on these issues, the CRC implemented its voting process. Based upon the voting results, the following are the issues which will be considered during the three public hearings:

1. County environmental ordinances prevailing over municipal ordinances;
2. Creating an independent auditor position which would report to the County Commission;
3. Conflicts in the Charter including frequency of empaneling, residency requirement and dissolution of CRC; and
4. Joint planning structure.

Draft Language Phase

The proposed Charter amendment language submitted by Counsel was reviewed by the CRC. The language for each amendment follows:

- 1) **COUNTY ORDINANCES PREVAILING OVER MUNICIPAL ORDINANCES -**
Municipal ordinances shall prevail over county ordinances to the extent of any conflict. However, a County ordinance shall prevail over municipal ordinances whenever the County shall set minimum standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution. In the event a County ordinance and a municipal ordinance shall cover the same subject matter without conflict, both the municipal ordinance and the County ordinance shall be effective, each being deemed supplemental, one to the other.

2) **INDEPENDENT AUDITOR - New Section 2.3(C).Sec. 2.3. Executive Branch**

(C) *Commission auditor.* The board of county commissioners may select a commission auditor who shall serve at the pleasure of the board. The commission auditor shall report directly to the board of county commissioners. The commission auditor shall conduct performance audits of county departments, and county boards and agencies as specified by county ordinance. The commission auditor may conduct performance audits for an elected county constitutional officer with approval from the board of county commissioners and the elected county constitutional officer. To the extent performance auditing is deemed to be within the constitutional duties of the clerk of the circuit court, this provision is intended to transfer performance auditing responsibility for county departments, and county boards and agencies to the commission auditor. This provision shall not be construed in a manner that interferes with the remaining duties of the clerk of the circuit court as ex officio clerk of the board of county commissioners, auditor, recorder and custodian of county funds.

3) **FREQUENCY OF EMPANELING CRC - Amendment to Section 4.2**

Sec. 4.2. Home rule charter amendments.

(B) *Amendments and revision by charter review commission.*

(1) A charter review commission consisting of not less than eleven (11) nor more than fifteen (15) electors of the county shall be appointed by the board of county commissioners at least twelve (12) months but not more than eighteen (18) months before the general election occurring in 1990 and at least twelve (12) months but not more than eighteen (18) months before the general election occurring every ten (10) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the state legislature or the board of county commissioners shall be a member of the charter review commission. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

- (6) If it does not submit any proposed charter amendments or revisions to the board of county commissioners at least ninety (90) days prior to the general election, the charter review commission shall be automatically dissolved. Otherwise the charter review commission shall be automatically dissolved on the date of such general election. Upon dissolution of the charter review commission, all property of the charter review commission shall thereupon become the property of the county.

4) **COMMISSION RESIDENCY REQUIREMENTS - Amendment to Section 2.2**

Sec. 2.2. Legislative Branch

- (A) *The County Commission.* The governing body of the county shall be a board of county commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one (1) commissioner for each of the five (5) county commission districts established pursuant to general law and they shall be elected on a countywide basis by the electors of the county. During the term of office each commissioner shall reside in the district from which such commissioner ran for office, provided that any commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

5) **JOINT PLANNING STRUCTURE - New Section 1.5 (Land Use Planning)**

Each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area adjacent to such municipality or in portions of the area within such municipality.

The Public Education Phase

The CRC will be sponsoring a public awareness campaign to educate citizens on the proposed amendments. This campaign may include scheduling speaking engagements at the following:

- 1) presentations to civic groups;
- 2) presentation to neighborhood associations;
- 3) presentation to city commissions;
- 4) presentations to professional associations; and
- 5) other appropriate groups.

Additionally, an educational brochure may be prepared for the public distribution, information may be published, advertisements in the print media, an educational video may be prepared to be broadcast on the government channel and other appropriate mechanisms. The public awareness campaign is anticipated to occur during the period of August through October, 2000.

Public Hearings

As required by the Alachua County Charter, three public hearings were conducted on May 18, June 1 and June 15, 2000. The purpose of these hearings was to obtain public input on the proposed Charter amendments before finalizing any proposal which would be submitted to the County Commission for placement on the November 7, 2000 general election ballot.

The format of the three public hearings allowed for ample discussion by the CRC members and citizens. The public hearings were structured as follows:

- 1) presentation by staff;
- 2) comments from counsel;

- 3) comments from CRC members. This enabled the CRC to make any comments or clarifications to the public regarding the proposed amendments;
- 4) open public hearing. Citizens stated their support or disapproval of specific proposals;
- 5) discussion by CRC;
- 6) adjournment

The first public hearing was conducted on May 18, 2000. The County Attorney explained the functions of the CRC and how the charter could be amended. The hearing was recorded both by audio and video for public access television. Citizens included public officials, organizational representatives, County staff, attorneys, field experts and other concerned citizens. The diversity of attendees provided the CRC with a wide scope of input. Some citizens focused on specific language and several suggestions (i.e. enforcement) were made to enhance amendments.

At this public hearing, the CRC clarified the purpose of the public hearings in order to ensure the efficiency of the process. It was suggested that single-member districts be added as a consideration for the November ballot proposals. After extensive discussion, it was concluded that the purpose of the public hearings were to hear the public's comments on the tentative proposals.

The second public hearing was conducted on June 1, 2000. Most citizens focused on the amendment related to County environmental ordinances prevailing over municipal ordinances. Some stated that municipalities were more than capable of solving environmental issues without the County's oversight. Additionally, it was also stated that allowing the County to impose environmental laws on municipalities would eventually lead to the County imposing laws on other entities. Other citizens believed that environmental issues such as air and water are not limited to municipal borders, thus, the County should have the power to impose laws that provide for the greater good.

A point was made that the proposed responsibilities outlined in the Independent Performance Auditor amendment would conflict with the duties of the County Manager. It was stated that the proposed independent auditor's duties would be counter-productive since the County Manager had similar duties and it was the belief that the "separation of powers" clause in the Charter would be violated if an independent auditor were to be hired. Several CRC members believed that Alachua County citizens had a right to know how their government was performing; while others believed

that the County Manager should be able to perform the duties and responsibilities of this position without the proposed independent auditor.

The third public hearing was conducted on June 15, 2000. This hearing focused primarily on the amendment related to County environmental ordinances prevailing over municipal ordinances. Many comments made on the issues were similar to those of the first and second public hearing.

There was some interest to conduct a fourth public hearing but the CRC voted at its June 27, 2000 meeting against proceeding with another hearing.

Ballot Recommendations

At its June 27, 2000 regular meeting, the CRC further discussed each of the proposed amendments. A vote was taken for each proposed amendment. Consequently, the Charter Review Commission submits to the County Commission the following ballot initiatives for placement on the November 7, 2000 general election ballot:

- 1) County environmental ordinances prevailing over municipal ordinances;
- 2) County Commission district residency requirements;
- 3) Amendments related to when the CRC is appointed and dissolved; and
- 4) Joint Planning;

The ballot and proposed charter amendment language for each of the proposed initiatives follow:

ALACHUA COUNTY CHARTER AMENDMENT 1

Title: Relationship between county and municipal ordinances regulating air or water pollution

Summary: Shall the Alachua County Charter be amended to provide that both county and municipal ordinances establishing standards for protecting the environment by prohibiting or regulating air or water pollution be enforceable within the boundaries of municipalities.

YES for approval _____

NO for rejection _____

Sec. 1.04. Relation to municipal ordinances.

Municipal ordinances shall prevail over county ordinances to the extent of any conflict. Notwithstanding the foregoing, if the county and a municipality enact ordinances establishing different standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, the ordinances imposing more stringent standards shall prevail to the extent of the difference and be fully enforceable within the boundaries of such municipality; however, the ordinances imposing less stringent standards shall not be deemed to conflict with ordinances imposing more stringent standards and shall also be fully enforceable within the boundaries of such municipality.

ALACHUA COUNTY CHARTER AMENDMENT 2

Title: Authorization for joint planning agreements

Summary: Shall the Alachua County Charter be amended to authorize interlocal agreements between the county and municipalities to provide for joint planning within the municipality and portions of the unincorporated area not reserved for annexation by another municipality.

YES for approval _____

NO for rejection _____

1.5 Land Use Planning

Each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area not located within any area designated pursuant to general or special law as a reserve for annexation by another municipality or in portions of the area within such municipality.

ALACHUA COUNTY CHARTER AMENDMENT 3

Title: Appointment and dissolution of the charter review commission

Summary: Shall the Alachua County Charter be amended to provide that a charter review commission cannot be appointed earlier than 18 months prior to the general election at which amendments may be proposed and will automatically dissolve on the date of such general election.

YES for approval _____

NO for rejection _____

Sec. 4.2. Home rule charter amendments.

(B) *Amendments and revision by charter review commission.*

(1) A charter review commission consisting of not less than eleven (11) nor more than fifteen (15) electors of the county shall be appointed by the board of county commissioners at least twelve (12) months but not more than eighteen (18) months before the general election occurring in 1990 and at least twelve (12) months but not more than eighteen (18) months before the general election occurring every ten (10) years thereafter, to review the home rule charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the state legislature or the board of county commissioners shall be a member of the charter review commission. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

- (6) If it does not submit any proposed charter amendments or revisions to the board of county commissioners at least ninety (90) days prior to the general election, the charter review commission shall be automatically dissolved. Otherwise ~~upon acceptance or rejection of the proposed amendments or revisions by the electors,~~ the charter review commission shall be automatically dissolved on the date of such general election. Upon dissolution of the charter review commission, all property of the charter review commission shall thereupon become the property of the county.

ALACHUA COUNTY CHARTER AMENDMENT 4

Title: County commission district residency requirements

Summary: Shall the Alachua County Charter be amended to remove the current unenforceable requirement to reside within the district on the date of qualification.

YES for approval _____

NO for rejection _____

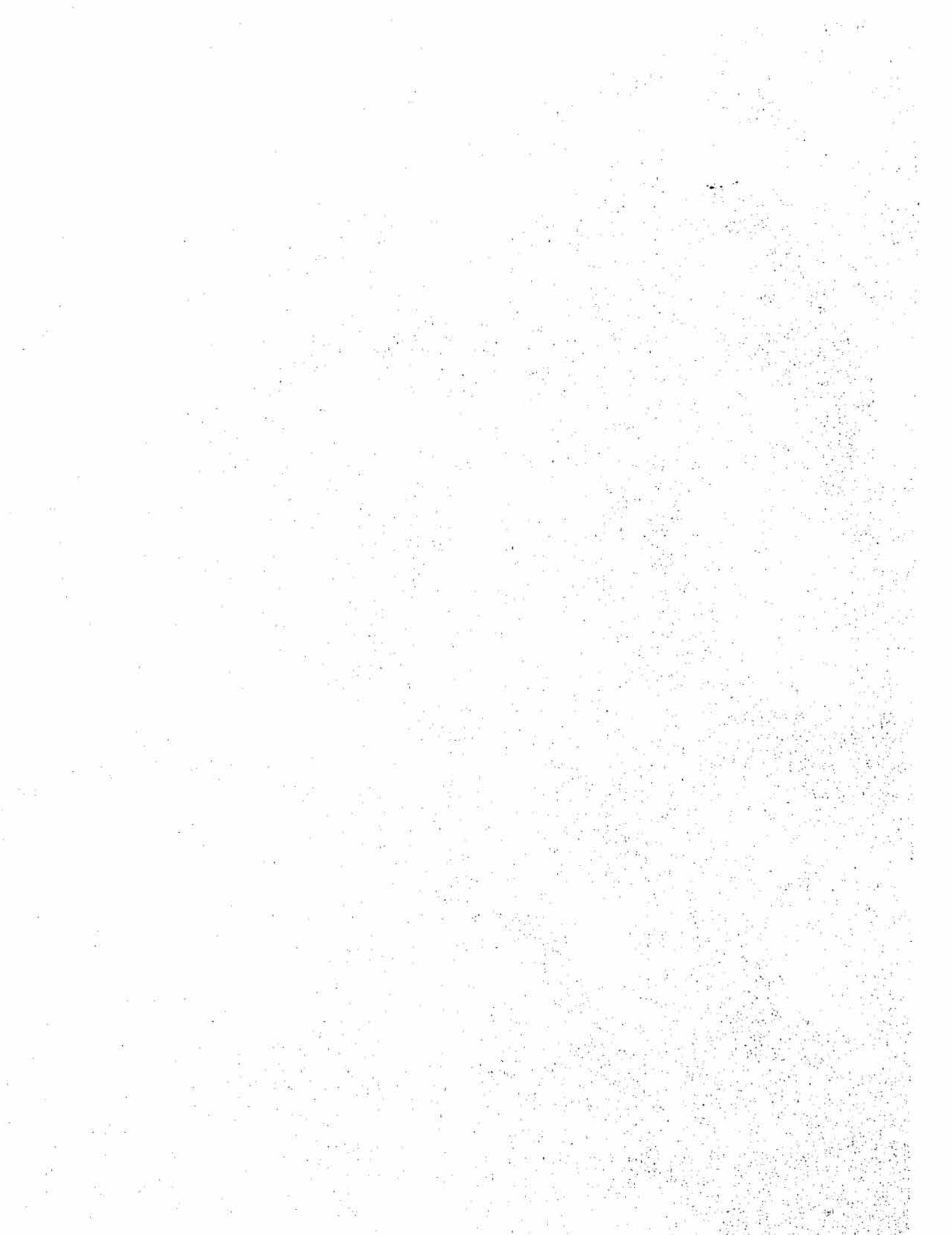
Sec. 2.2. Legislative Branch

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

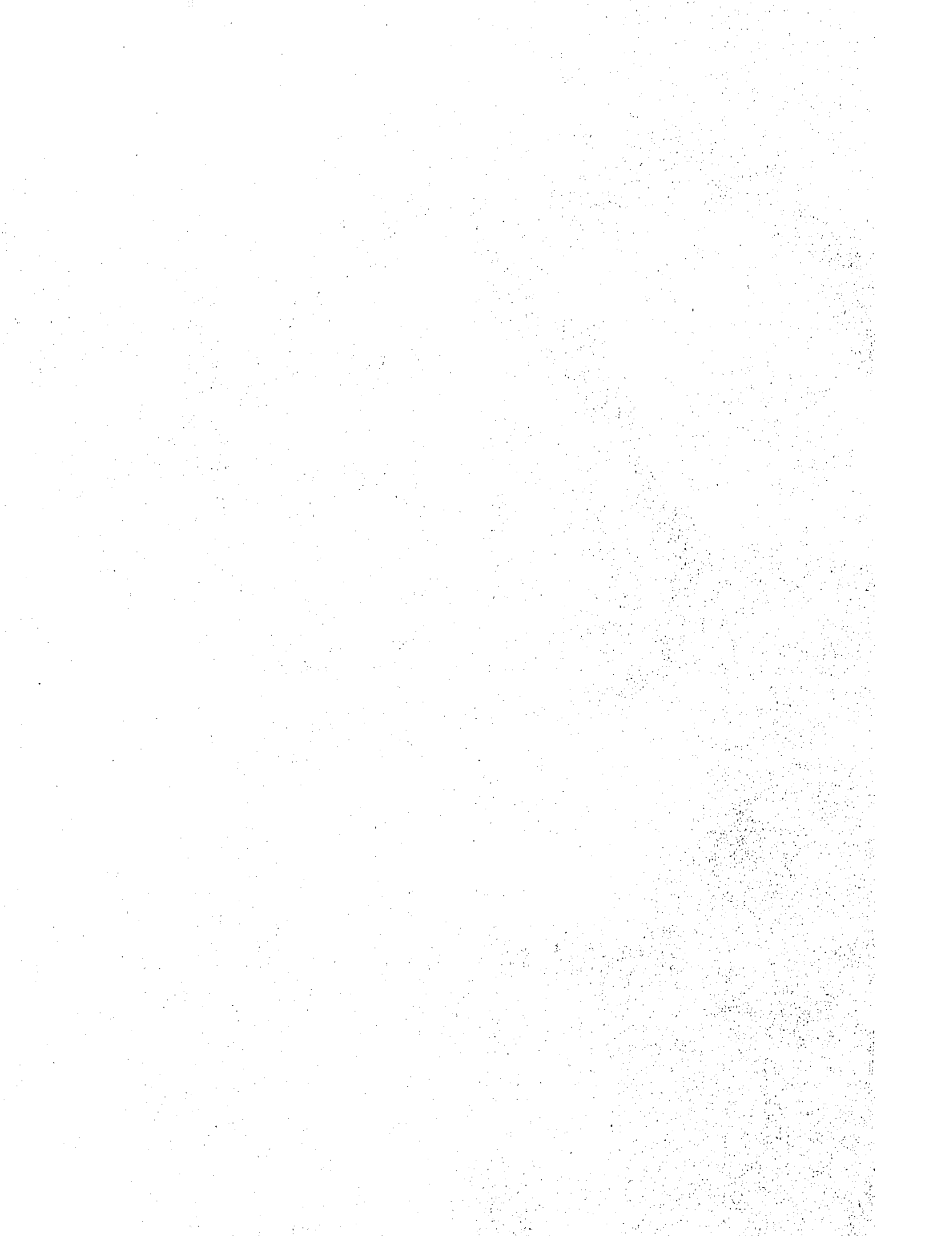
Final Comments

The ballot and Charter amendment language was developed by the CRC's independent counsel and reviewed by the Alachua County Attorney. The ballot and charter amendment language for each of these ballot initiatives was approved by the CRC on July 11, 2000.

This report was amended and substantially approved at the July 11, 2000 CRC meeting. At its July 11, 2000 meeting, the CRC authorized County staff to make any amendments to finalize the report without changing the report's substance.



APPENDIX



Charter Review Commission Membership

1) K. Richard Blount

9) William "Clay" Martin (Vice-Chair)

2) Harvey Budd

10) Jimmy Massey (Vice-Chair)

3) Edward Crapo

11) *Thomas McKnew (appointed 05/18/00)*

4) ~~Phil Denton~~ (resigned 05/02/00)

12) Frederick Peterkin

5) Rodney Estes

13) ~~Mark Stowe~~ (resigned 12/14/99)

6) Mitchell Glaeser

14) Beverly Thomas

7) Pegeen Hanrahan

15) Janet Wootten (Chair)

8) *Regina Hawkins (appointed 01/11/00)*

16) Susan Wright

Charter Review Commission

MINUTES

Regular Meetings

August 20, 1999	January 11, 2000	April 4, 2000
August 24, 1999	January 25, 2000	April 11, 2000
September 28, 1999	February 8, 2000	April 18, 2000
October 12, 1999	February 22, 2000	May 2, 2000
October 26, 1999	March 7, 2000	June 27, 2000
November 9, 1999	March 14, 2000	
November 23, 1999	March 21, 2000	
December 14, 1999	March 28, 2000	

Community Meetings

October 13, 1999
October 18, 1999
October 20, 1999

Public Hearings

May 18, 2000
June 1, 2000
June 15, 2000

Sub-Committee Meeting

November 16, 1999

Regular Meetings MINUTES

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
AUGUST 20, 1999 ORGANIZATIONAL MEETING - 3:00 P.M.
GRACE KNIGHT CONFERENCE ROOM**

**MEMBERS
PRESENT:** K. Blount, H. Dobb Budd, E. Crapo, P. Denton, R. Estes, M. Glaeser,
J. Massey, F. Peterkin, M. Stowe, B. Thomas, J. Wootten and S.
Wright

COUNTY STAFF: DJ Williams (Staff Liaison), Dave Wagner (County Attorney) and
Bob Ott

**OTHERS
PRESENT:** Commissioner Robert Hutchinson, Debra Hirneise, Doug Hornbeck
and Emilie Browne

Summary:

The meeting was called to order at approximately 3:05 p.m. by DJ Williams who recognized Commissioner Hutchinson for welcoming comments. After these comments, introductions were made and Ms. Williams reviewed Section 4.2.B of the Home Rule Charter. Bob Ott was recognized to present information on the Sunshine Law. Attached are the overheads which were used as part of the presentation. The following topics were discussed: requirements for meeting, what constitutes a meeting, rules relating to correspondence, minutes, voting and meeting notices. Mr. Ott explained the problems associated with written correspondence and computers. Dave Wagner was recognized for additional comments related to the Sunshine Law Presentation.

The issue of financial disclosure was addressed and the Charter Review Commission (CRC) was advised that members were required to file the forms with the Supervisor of Elections. Additionally, the CRC was advised that the forms needed to be filed 30 days from the July 27, 1999 date of appointment. Ms. Williams advised the CRC that she would follow-up with members to ensure that the forms have been filed.

Ms. Williams advised the members that the meeting schedule and time for the Charter Review Commission needed to be determined. It was decided that the CRC would meet on the second and fourth Tuesday of each month @ 5:00 p.m. It was also decided that the CRC would meet on August 24, 1999 @ 5:00 p.m. The election of Chair and Vice Chair was the next business item and it was decided that the member with the second most votes would serve as Vice Chair. After some discussion, Janet Wootten and Jimmy Massey were nominated as Chairman. A voice vote was taken with Janet Wootten receiving eight votes and four nays. Consequently Ms. Wootten will serve as Chair and Jimmy Massey as Vice Chair. Chair Wootten assumed facilitating the remainder of the meeting.

**CHARTER REVIEW COMMISSION
AUGUST 20, 1999 MINUTES
PAGE 2**

The work plan was discussed. The topic of a web site as related to gathering and providing information was raised and discussed. Based upon this discussion, a motion was made by ~~Susan Wright/Harvey Budd~~ *Harvey Budd/Susan Wright* that Jack Crosetti would be invited to attend the August 24, 1999 meeting to discuss creating a web site and e-mail address. Motion passed unanimously.

The topic of discussion was development of a structure for the CRC to proceed with its work. Based upon this discussion, a motion was made by Susan Wright/Harvey Budd that the CRC discuss its timeline to include an exploratory phase, drafting language phase and public promotions phase. The motion passed 11 - 1.

The following motions were made and passed unanimously:

- 1) invite Jon Mills to be a presenter at his convenience (*Stowe/Thomas*); and
- 2) invite Joe Little as a presenter (*Budd/Thomas*).

There was also consensus that the 1992 CRC final report would be discussed at the August 24, 1999 meeting. There was also consensus that staff would e-mail the minutes to those members providing an e-mail address and a hard copy would be transmitted to the other members. Additionally, a hard copy of the minutes will be available at each meeting.

The meeting adjourned at approximately 4:45 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
AUGUST 24, 1999 MEETING - 5:00 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: K. Blount, H. Budd, P. Denton, R. Estes, M. Glaeser, P. Hanrahan, C. Martin, J. Massey, F. Peterkin, M. Stowe, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), Attorneys Bob O'Neil and Rob Livingston

OTHERS PRESENT: Allen Torres, Presenter

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:03 p.m. by Chair Wootten. After making several amendments to the August 24, 1999 minutes, the minutes were approved unanimously. The amended minutes are attached.

Chair Wootten inquired about the guest presenter and Ms. Williams recognized Allen Torres who was representing Alachua County's Information Services Division Director. Mr. Torres advised the CRC that he was prepared to respond to any questions. The questions raised included the difficulty of creating a web site, site maintenance, type of information which would be provided, cost of creating a web site. There was consensus to include the following information on the web site:

- 1) names of members
- 2) input statement
- 3) copy of Charter
- 4) minutes of meetings and
- 5) meeting schedule/notices.

Based upon additional discussion related to designing the web site, a motion was made (Martin/Estes) to appoint Susan Wright and Fredrick Peterkin as a subcommittee responsible for exploring and creating a web site. This motion passed 12 - 0. There was discussion about whether the County will assess a cost for this work.

Chair Wootten then proceeded to the next agenda item which was development of the work program. Ms. Williams distributed a proposed timeline to facilitate the discussion of this agenda topic. Some concerns were expressed related to the time allotted to solicit input. It was suggested that this component of the time line should take about 90 days. There was a suggestion that the CRC first obtain input from elected officials. After further discussion, there was consensus to proceed with this effort. The following are the assignments which were agreed upon:

**CHARTER REVIEW COMMISSION
AUGUST 20 24, 1999 MINUTES
PAGE 2**

Municipality

Members Assigned to Attend Meeting

Alachua
Archer
Hawthorne
High Springs
LaCrosse
Micanopy
Newberry
Waudo

Glaeser, Peterkin and Wootten
Blount, Denton and Peterkin
Blount, Estes and Martin
Glaeser and Wootten
Budd and Peterkin
Stowe, Thomas and Wright
Denton and Thom
Estes and Martin

No member was designated to be the primary speaker. It was noted that this would be decided among the members assigned. There was discussion about continuing meetings in Gainesville. Based upon this discussion, there was a motion made (Glaeser/Estes) to *have* the hearings in Gainesville area to three in addition to all other meetings at the County Administration Building. The motion passed 12 - 0. There was agreement that these meetings would be conducted at the Millhopper Branch Library, Tower Road Branch Library and T. B. McPherson Center. Chair Wootten recognized Ms. Williams who provided the CRC with the meeting schedule (including times) of the various City Commissions.

Motions were made to schedule the CRC on the September 28 County Commission's agenda and the September 27 Gainesville City Commission's agenda. Representing the CRC at the September 28 meeting will be Susan Wright and Mitch Glaeser *Janet Wootten* and at the September 27 Gainesville City Commission meeting Clay Martin, Susan Wright and Mark Stowe. Motion passed unanimously.

The next agenda item was a discussion of the 1992 CRC final report. Those members (Estes, Glaeser and Massey) serving on the 1991/92 CRC responded to questions related to the phases of the study, how input was gathered and the issues which were submitted for placement on the general election ballot.

There was consensus that the following items would be scheduled on the September 14, 1999 agenda:

- 1) report related to input received from applicable City Commissions;
- 2) report on the web site/e-mail address; and
- 3) presentation from Joe Little; and

The meeting was adjourned at approximately 7:02 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
SEPTEMBER 28, 1999 MEETING - 5:00 P.M.
GRACE KNIGHT CONFERENCE ROOM**

**MEMBERS
PRESENT:** K. Blount, H. Budd, P. Denton, M. Glaeser, P. Hanrahan,
C. Martin, J. Massey, F. Peterkin, M. Stowe, B. Thomas, J. Wootten
and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison)

**OTHERS
PRESENT:** Joe Little (University of Florida Law Professor), Commissioners
Robert Hutchinson and Dave Newport, Doris Bardon and State
Representative Bob Casey

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:05 p.m. by Chair Wootten. After making several amendments to the August 24, 1999 minutes, the minutes were approved unanimously. The amended minutes are attached. Additionally, the August 30, 1999 Web Site Subcommittee meeting minutes were approved unanimously after one amendment.

Chair Wootten recognized Joe Little who was invited to provide a presentation on charter government. Mr. Little began by distributing a handout containing segments of the State of Florida's Constitution and segments from State Statutes. He stated that the CRC is limited in its work because the CRC can not do anything about taxes, does not have the power to influence municipalities nor can the CRC change the powers, duties, compensation and method of payment of state and county officers as fixed by law. He explained that the CRC can proposed changes related to the following:

- 1) form of government (including term limits);
- 2) constitutional/charter officers (tax collector, property appraiser, sheriff, supervisor of elections and clerk of the court); and
- 3) conflict between county and municipal ordinances.

A number of questions were raised including County Commissioners residing in specified districts, frequency of empaneling a charter review commission and campaign financing. The issue of having separate legal counsel was raised. Mr. Little advised that this matter should at least be considered by the CRC. There was consensus to have Mr. Little attend the CRC's December meeting and he was agreeable would attend. The issue of a presentation from Jon Mills was raised and Ms. Williams advised that she would follow-up with Mr. Mills to determine when he could attend a CRC meeting.

Member Wright provided the report on the website. A motion was made by Peterkin/Hanrahan to authorize the implementation of the web page to include providing as many links as possible. The motion passed unanimously.

**CHARTER REVIEW COMMISSION
SEPTEMBER 28, 1999 MINUTES
PAGE 2**

There was discussion related to citizens having the means to contact individual CRC members. Based upon this discussion, a motion was made by Blount/Martin to invite the public to make individual contact with CRC members via e-mail, telephone or U.S. mail. The motion passed by a vote of 10 - 2.

The following reports were given:

- Alachua: one citizen suggested that term limits be considered;
- Archer: single member districts and salaries were suggested;
- Hawthorne: single member districts and cities maintaining the ability to exercise home rule were suggested;
- High Springs: no suggestions were provided
- LaCrosse: presentation needs to be rescheduled;
- Micanopy: presentation scheduled for September 28;
- Newberry: extensive discussion regarding Section 1.4 (Relation to municipal ordinance) of Charter and reduction of County Commission salaries.*
- Gainesville: *single member districts and high costs of county wide campaigns;* referred to the Legislative Committee;
- Alachua
County: residing in districts and keep the issue list short were suggested;
- Waldo: presentation rescheduled for October 12, 1999.

During the report on the City of Newberry, the CRC was advised that the League of Cities was scheduled to conduct a meeting sometime in October. Ms. Williams was requested to confirm the date and time of the meeting; and coordinate scheduling the CRC on the League's agenda. The results are to be provided to the CRC. Member Glaeser volunteered to attend this meeting.

Additionally, a question was raised regarding CRC members attending the Alachua County School Board meeting. The staff liaison was requested to coordinate scheduling CRC members on the School Board's agenda.

A motion was made to begin the CRC meetings at 5:30 p.m. The motion passed 9 - 1. Additionally, a motion was made by Budd/Massey to invite to each CRC meeting at least one of the Constitutional Officers to explain the duties and responsibilities of the elected office. The motion passed unanimously.

**CHARTER REVIEW COMMISSION
SEPTEMBER 28, 1999 MINUTES
PAGE 3**

The CRC discussed the three community meetings, which would be conducted on October 13 @ Millhopper Branch Library, October 18 @ Tower Road Branch Library and October 20 @ T.B. McPherson Community Center. The following members volunteered to attend these sessions:

- October 13 - Members Peterkin, Glaeser and Massey
- October 18 - Members Thomas and Glaeser; and
- October 20 - Members Blount, Thomas and Martin

Based upon the discussion related to advertising these meeting, the following efforts would be made:

- 1) Chairman Wootten is to contact Ron Cunningham and Paula Rausch regarding an editorial and story. Carla Banks of TV20 is to be contacted;
- 2) Member Peterkin will contact Mahogany Revue about a story;
- 3) Member Glaeser will contact KTK and Sky Radio regarding public service announcements; and
- 4) DJ Williams will contact Cox Cable officials about including these community meetings on the scroll which lists various governmental meetings. A press release will also be prepared and disseminated and a flyer will be developed and posted at appropriate locations.

The CRC discussed its interest in receiving a presentation from Kurt Spitzer (KSA Governmental Consultants). Based upon this discussion, a motion was made by Peterkin/Hanrahan to receive the presentation. The motion passed 9 - 1. Ms. Williams will coordinate scheduling Mr. Spitzer attendance at the October 12 meeting.

Member Blount requested that the CRC approve purchasing the transcript of "Going Local" which was presented by Michael Schulman on or around August 29, 1999. The transcript is related to economic development. Concern was expressed about whether this document was related to the CRC's work. Member Hanrahan stated that she would attempt to obtain this document from the Internet.

There was consensus to include on the October 12, 1999 agenda discussion of obtaining independent counsel, presentations from Kurt Spitzer and at least one of the Constitutional Officers.

The meeting was adjourned at approximately 7:55 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
OCTOBER 12, 1999 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

**MEMBERS
PRESENT:** K. Blount, H. Budd, P. Denton, R. Estes, M. Glaeser, P. Hanrahan,
G. Hawkins, C. Martin, F. Peterkin, B. Thomas, J. Wootten and S.
Wright

COUNTY STAFF: DJ Williams (Staff Liaison) and Terri Hutchinson

**OTHERS
PRESENT:** none

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:39 p.m. by Chair Wootten. The Chair also distributed a "Millennium Article" draft which she (with the assistance of Member Wright) had written for publication in the Gainesville Sun. After making several amendments to the September 28, 1999 minutes, the minutes were approved unanimously. The amended minutes are attached.

Chair Wootten recognized Dave Wagner (County Attorney) who discussed the idea of the CRC obtaining independent counsel. Mr. Wagner also recommended that the CRC use independent counsel for substantive issues related to any initiatives which may be proposed for placement on the ballot. Member Denton/Budd made a motion for the CRC to identify outside attorneys who have expertise in Constitutional law. The motion was passed unanimously. The County Attorney is to provide a list of attorneys for the CRC's consideration and summarize the points made by Professor Little during his presentation.

Bev Hill, Supervisor of Elections, was recognized for a presentation on the duties and responsibilities of her office. She distributed an informational packet and provided an overview of the information. A question and answer period followed.

Buddy Irby, Clerk of the Court, was recognized for a presentation on the duties and responsibilities of his office. He distributed handouts and explained his responsibilities. A question and answer period followed.

Reports were received on the LaCrosse Town meeting from Member Peterkin who informed the CRC that the input/suggestions he received related to single member districts and non-partisan elections; and Members Stowe and Wright who informed the CRC that the input received at the Micanopy City Commission meeting related to residency requirements for districts, repeal of the Boundary Adjustment Act, the autonomy of the Sheriff and support of fire service consolidation if the service is contracted with an outside vendor.

**CHARTER REVIEW COMMISSION
OCTOBER 12, 1999 MINUTES
PAGE 2**

A motion was made by Member Wright/Hanrahan for staff to prepare a map(s) showing the location of County Commission candidates and those elected to office since 1980. The motion passed 9 - 0.

Efforts to notice the three community meetings was discussed. The Chair asked for and received input on the "Millennium Article" draft which she distributed at the beginning of the meeting. The column is to be submitted to the Gainesville Sun on October 13, 1999. There was discussion regarding the notice which was being advertised on Cox Cable 8. Member Wright indicated that she will attempt to contact Bob Williams (TV 20) about noticing the community meetings. Nine copies of the Home Rule Charter will be provided to Nancy Leedy for distribution to the various branch libraries.

DJ Williams, Staff Liaison, advised that the CRC had been scheduled on the School Board's October 19, 1999 agenda @ 7:00 p.m. and inquired about any other members who planned to attend the meeting. Additionally, she advised that the CRC was scheduled on the Alachua County League of Cities October 26, 1999 meeting agenda @ 7:30 p.m.

The meeting was adjourned at approximately 7:58 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
OCTOBER 26, 1999 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: H. Budd, E. Crapo, R. Estes, M. Glaeser, P. Hanrahan, C. Martin, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison) and Dave Wagner (County Attorney)

OTHERS PRESENT: Honorable Jim Bishop (Tax Collector)

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:35 p.m. by Chair Wootten. The agenda was approved unanimously after placing the County Attorney's presentation first and adding reports of the October 12, 1999 Waldo City Commission meeting and October 19, 1999 School Board meeting. After making several amendments to the October 13 and October 18, 1999 minutes, the minutes were approved unanimously. The amended minutes are attached.

Chair Wootten recognized Dave Wagner, who provided the names of attorneys he had spoken with to possibly serve as independent counsel to the CRC. These attorneys are George Nickerson, Jim Konish, Jonathan Wershow, David Coffey and John McPherson. Additionally, he provided the names of Bob Nabors, Chip Rice, John Copeland and J. T. Frankenberger as possibilities but he had not spoken with these individuals. After some discussion, a motion was made by Member Hanrahan/Glaeser for the County Attorney to draft letters on the Chair's behalf to the five attorneys he had spoken with (and any of the other four who are contacted) requesting that they send their qualifications, fee structure and other useful information for the CRC's consideration. The motion passed 8 - 0. The independent counsel will assist the CRC with establishing its study parameters and drafting ballot language (if applicable).

Mr. Wagner then ask for questions related to the Sunshine Law. There was a concern expressed by Member Thomas regarding conflicts which may arise when members attend the same meetings. Mr. Wagner provided clarification regarding this concern.

There was discussion regarding scheduling a presenter who can provide another perspective regarding the parameters of issues which the CRC should study. A question was raised regarding why staff had not been successful in scheduling Jon Mills. DJ Williams, Staff Liaison, informed the CRC that Mr. Mills schedule conflicts with the CRC's Tuesdays meetings and that she explained to him the presentation that the CRC received from Professor Little. Based upon this information, Mr. Mills requested a copy of the September 28 meeting minutes and advise Ms. Williams that he would call her back about being a presenter. A question was raised regarding inviting Jonathan Wershow as a speaker and there was interest in this suggestion. Based upon the discussion, a motion was made by Member Estes/Thomas to have Mr. Wagner invite Jonathan Wershow to give a presentation to the CRC. The motion passed 9 - 0.

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Jim Bishop was recognized for a presentation on the duties and responsibilities of his Office. Mr. Bishop referenced the chapters in Florida Statutes that govern his Office. After his presentation, a question & answer period followed.

Ed Crapo (Property Appraiser) was recognized for a presentation on the duties and responsibilities of his Office. Mr. Crapo explained that he had three primary responsibilities - identifying all property, valuing the property and administering the exemption program. After explaining the three tax rolls and the five units within his Office, a question & answer period followed.

Reports were given on the October 12, 1999 Waldo City Commission meeting by Member Martin and the October 19, 1999 School Board meeting by Member Peterkin. The Waldo City Commission suggested that the CRC study single member districts and that municipalities should maintain preemption. A report was given by Member Glaeser on the SKY 97.3 radio show and the public service announcements which this radio station had aired.

There was a suggestion and consensus to add a citizen comment section to the agenda. Member Hanrahan explained that the CRC should pursue an analysis of single member districts based upon the number of times this issue had been proposed as a study issue. There was consensus that the Staff Liaison would identify individuals who are experienced in this area and schedule a presentation on single member district for an upcoming CRC meeting agenda.

After discussion, there was consensus to schedule the following matters on the November 9, 1999 agenda:

- 1) presentation from Jonathan Wershow (if applicable)
- 2) presentation from the Sheriff;
- 3) report on the League of Cities meeting;
- 4) review of responses from attorneys regarding independent counsel;
- 5) discussion of the feedback received from citizens via the Internet regarding study issues; and
- 6) procedure for deciding upon which issues will be studied.

The meeting adjourned at approximately 7:19 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
NOVEMBER 9, 1999 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: K. Blount, H. Budd, E. Crapo, P. Denton, R. Estes, M. Glaeser, P. Hanrahan, J. Massey, C. Martin, F. Peterkin, M. Stowe, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), Dave Wagner (County Attorney) and Bob Ott (Litigation Attorney)

OTHERS PRESENT: Honorable Stephen Oelrich, Howard Scharps, Patrice Boyes, Alison Law, Heather Law and Jonathan Wershow

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:35 p.m. by Chair Wootten. The agenda was approved unanimously after placing the County Attorney's presentation related to the independent counsel responses. The October 26, 1999 meeting minutes were approved after two amendments. The amended October 26 minutes are attached.

Chair Wootten recognized Dave Wagner, who provided a brief overview of the direction he received at the October 26, 1999 meeting regarding soliciting letters from various attorneys who are interested in representing the CRC as its independent counsel. Discussion followed and it was the consensus for staff to invite the responders to the November 23, 1999 for brief presentations. It was also agreed that each member would rank the proposals informally and be prepared to discuss at the appropriate meeting. Mr. Wagner also advised the CRC that it could hire an attorney on a per issue basis.

Jonathan Wershow was recognized and provided an overview of his representation of the 1991/92 Charter Review Commission related to whether this appointed body still existed. There were questions and answers. Mr. Wershow indicated his intent to attend the November 23 meeting to give a presentation on his interest in serving as the CRC's independent counsel.

Citizens were recognized for comments. Alison Law stated that the CRC should study residency requirements and review issues from a sustainability perspective. Howard Scharps suggested that the CRC study single member districts, term limits and compensation.

The matter of selecting a process for selecting study issues was discussed. Member Martin presented a proposal which would include selecting ten issues, reviewing these issues and reducing these to five and obtaining a legal opinion on these five. There was extensive discussion on this topic. A motion was made by Hanrahan/Blount to appoint a Rules Subcommittee to develop a proposal to

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establish an issues process and submit to the full CRC for consideration. The motion passed unanimously. The CRC unanimously appointed Members Massey, Martin, Peterkin, Stowe and Wright to serve on the subcommittee. The meeting was scheduled for November 16, 1999 @ 1999 pending room availability.

There was concern expressed regarding a few constitutional changes which were approved but were not reflected in Alachua County's Charter. A motion was made by Martin/Hanrahan to request that Legal staff outline the constitutional changes which should be reflected in the Charter. The motion passed 12 - 1.

A motion was made by Crapo/Hanrahan to modify the agenda to add a new time certain (i.e. 6:00 p.m.) section titled "Invited Speakers" which will be placed before Citizen Comments. The motion passed 11 - 2.

Other actions follow:

- 1) Member Martin provided a report on the League of Cities meetings. Suggested study issues were single member districts and salary reduction;
- 2) the December 28, 1999 meeting was unanimously canceled; and
- 3) there was a brief discussion on the e-mail feedback which has been received from citizens.

A summary of agenda items for the November 23, 1999 meeting was provided by DJ Williams the Staff Liaison.

The meeting adjourned at approximately 8:00 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
NOVEMBER 23, 1999 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: K. Blount, H. Budd, E. Crapo, M. Glaeser, P. Hanrahan, J. Massey, C. Martin, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), and Bob Ott (Litigation Attorney)

OTHERS PRESENT: Honorable Stephen Oelrich (Sheriff), Professor Ken Wald Patrice Boyes, David Coffey, J. Konish, G. Nickerson and J. Wershow

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:32 p.m. by Chair Wootten. A motion was made by Member Peterkin/Wright to approve the agenda (after changing the format of the agenda so that the Citizen Comment section precedes the Invited Speakers section). The motion passed unanimously.

The Chair opened the meeting for Citizen Comment. Jim Konish was recognized. He advised the CRC that he represented the Sierra Club and explained that municipalities should not be able to "opt" out of County ordinances (except to enforce more stringent regulations).

The report from the Rules Subcommittee was received. Member Wright explained the Subcommittee's proposed procedures document. There was extensive discussion about the proposal and ultimately, this item was deferred to the December 14, 1999 meeting.

The Chair recognized the Honorable Stephen Oelrich (Alachua County Sheriff) for a presentation on his office duties and responsibilities. He explained the different functions including patrol, criminal investigations, civil, warrants and corrections. A question and answer period followed.

The CRC received independent counsel presentations from Patrice Boyes, John McPherson, Jim Konish, George Nickerson and Jonathan Wershow. The ranking and selection of an independent counsel will be scheduled on the December 14, 1999 agenda. A motion was made by Member Peterkin/Hanrahan for the CRC to use a ballot method on December 14 to rank the attorneys, that each member's name will be printed on each ranking form and this completed form would be made a permanent part of the record. The motion was passed unanimously. There was brief discussion whether each member must vote on this matter. It was explained that each member is required to vote (unless there is a conflict of interest) but the Staff Liaison would confirm with the County Attorney.

Chair Wootten then recognized Ken Wald, a Political Science Professor at the University of Florida who has expertise in the area of single member districting. Mr. Wald explained that he served as a consultant to the Gainesville Charter Review Commission for its single member districting issue.

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It was explained that single member districts are physical subdivisions which are used to elect representatives. Only residents living in the district can vote and only residents living in the district can run. The CRC was informed that single member district once was the most common form of election system but was attacked by reformers. The single member district system began a comeback in the 1960's because of legal demands (e.g. civil rights arguments) and neighborhood forces. Most communities with the population of Alachua County (100 - 500 thousand) have a mixed election system (i.e. at-large/single member district).

Some of the advantages of single member districts include facilitating the election of minority groups that are geographically concentrated, enabling minority groups to better elect representatives of their choosing, encouraging candidates to have direct contact with people in the district and diminishing the influence of the media. Disadvantages include diminishing the impact of minority groups, encouraging representatives to think narrowly, reducing overall voter turnout, reducing the sense of ownership and producing political paralysis.

The single member district process requires a change in the charter, the boundaries of the district are determined via an "ordinary" piece of legislation and is done every ten years. The following criteria must be satisfied: the district must be of equal size by population at the time of the census, contiguous and compact; and must respect communities of interest.

Based upon the 1993 case of Shaw -v- Reno, race can not be the predominant factor in creating districts. The CRC was advised that if it pursues single member districting, the services of expert counsel should be obtained and a non-binding map should be developed. A question and answer period followed.

Agenda items for the December 14, 1999 meeting include a presentation from Joe Little (UF Professor) and consideration of securing independent counsel services.

The meeting adjourned at approximately 8:25 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
DECEMBER 14, 1999 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: H. Budd, E. Crapo, P. Denton, M. Glaeser, P. Hanrahan, C. Martin, J. Massey, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), and Rob Livingston (Associate County Attorney)

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:32 p.m. by Chair Wootten. A motion was made by Member Thomas/Martin to approve the agenda. Motion passed unanimously. After a few corrections, the November 9, 1999, November 23, 1999 and the November 16, 1999 Rules Subcommittee meeting minutes were approved unanimously.

- Chair Wootten recognized DJ Williams (Staff Liaison) for a report on the Alachua County Commission's December 14, 1999 action establishing a procedure for filling vacancies on the Charter Review Commission (CRC). Ms. Williams explained that the Charter specifies that vacancies occurring on the CRC must be filled within 30 days; which had been interpreted by the County Attorney to mean 30 days from the date the resignation is accepted by the CRC. Ms. Williams also explained that it was staff's preference that the CRC take action on Mark Stowe's resignation at its January 11, 2000 meeting to greater ensure that this Charter requirement is not violated. There was some discussion related to whether the current vacancy which resulted from the resignation of Member Stowe should be filled and concern was expressed regarding delaying the acceptance of the Member Stowe's resignation. It was explained that the Charter requires all vacancies be filled in the same manner as the original appointments. Based upon the discussion, a motion was made by Member Martin/Peterkin to accept Member Stowe's resignation. The motion passed 5 - 4.

Each member ranked the five (Patrice Boyes, David Coffey, Jim Konish, George Nickerson and Jonathan Wershow) attorneys. The ranking of attorneys for independent counsel was considered by the CRC. The scores were tallied and the results follow:

- 1) Konish, Jim - 23
- 2) Boyes, Patrice - 29
- 3) Coffey, David - 34
- 4) Wershow, Jonathan - 39
- 5) Nickerson, George - 40

A motion was made by Member Hanrahan/Martin to retain George Nickerson (with Jonathan Wershow as an alternate) as independent counsel for the CRC. Motion passed unanimously.

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During the October 12, 1999 meeting, a request was made for staff to develop two maps - one showing the district that each County Commissioner resided from in for the period 1978 - 1998; and the second map showing the district that each candidate for County Commissioner resided in for the same period. These maps were presented to the CRC. To assist the CRC with reviewing this data, additional color maps will be obtained from the Supervisor of Elections Office.

The CRC continued its review of the proposed procedure for selecting study issues/ballot initiatives. The changes made are reflected on the attached draft document.

The CRC reviewed the calendar which was included in the agenda packet to identify dates to receive a presentation from Jon Mills. The dates which were selected were January 5, 12, or 19, 2000 @ 5:30 p.m. Staff will coordinate with Ed Crapo contacting Mr. Mills to provide these dates so that one of these dates can be selected for the meeting.

The meeting was adjourned at approximately 7:58 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
JANUARY 11, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: K. Blount, H. Budd, E. Crapo, P. Denton, R. Estes, M. Glaeser, P. Hanrahan, G. Hawkins, C. Martin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison) and Terri Hutchinson

OTHERS PRESENT: Ron Cunningham (Gainesville Sun)

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:35 p.m. by Chair Wootten. The agenda was approved (Member Estes/Glaeser making the motion) unanimously after changing the sequence of items under "Old Business". A motion was made by Member Estes/Glaeser to approve the minutes after several revisions were made to paragraph three. The motion passed unanimously.

The Chair recognized Regina Hawkins who was appointed to the CRC by the County Commission at its January 11, 2000 meeting. Members and staff were asked to introduced themselves. DJ Williams also introduced Terri Hutchinson to the CRC and advised that Ms. Hutchinson would be temporarily assisting with some of the administrative tasks associated with the work of the CRC.

The CRC was advised that the January 19, 2000 meeting had been confirmed with the presenter, Jon Mills. The workshop is scheduled for 5:30 p.m. and is to be conducted in the Grace Knight Conference Room.

Member Wright made a brief presentation on the issue selection procedure. After discussion the following two changes were made to the procedures document:

- 1) Idea Exploration - eliminate the section number (i.e. 1a); and
- 2) Selection of Proposed Ballot Items - delete the language "placement on the ballot and" from Section 3.b.2.

The procedures document was approved unanimously after these changes were made. A question was raised regarding attendance requirements for the CRC. The question was resolved by reading the language in the Charter.

The CRC reviewed the proposed study issues which had been received from elected officials and citizens. The following issues were added to the list which was included in the meeting packet:

- | | |
|--|------------------------------------|
| 1) independent auditor | 5) annexation regulations |
| 2) conflicts (i.e. glitches) in the Charter | 6) assure the appropriate level of |
| 3) elected officials should serve as the governing body for special districts; | of funding and staffing for the |
| 4) law enforcement review board | Environmental Protection |
| comprised of citizens and officers | Department |

The Chair inquired about the status of the County Attorney identifying those areas in the Charter which were inconsistent with state law. Ms. Williams advised that the County Attorney had informed her that he was working on this tasks but that she would follow-up with him to determine the time line for providing the information to the CRC.

A motion was made to close input solicitation and forward to Legal at the earliest possible date. The motion passed unanimously. Ms. Williams asked whether the study issues should be forwarded to the County Attorney, the CRC's independent counsel or both for this review. A motion was made that the legal review is to be conducted by the County Attorney's Office. The motion passed unanimously.

The CRC proceeded to clarify some of the issues which appeared to require more explanation. The issues which were clarified follow:

- 1) term limits; 2) non partisan elections; and 3) autonomy of the Sheriff.

Concern was expressed regarding the consistent presence of a representative from the County Attorney's Office. The CRC desires to have the County Attorney (or designee) attend all meetings in their entirety. Ms. Williams was requested to share this request with the County Attorney.

There was discussion about making the issues list accessible on the Internet with a disclaimer that some issues may not be under the purview of the CRC's authority.

The CRC requested that the January 19, 2000 meeting be advertised as a workshop.

The meeting adjourned at approximately 6:45 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
JANUARY 25, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: E. Crapo, P. Denton, R. Estes, M. Glaeser, P. Hanrahan, C. Martin, J. Massey, F. Peterkin, B. Thomas, and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), Terri Hutchinson and Rob Livingston

OTHERS PRESENT: Jon Mills and Ron Cunningham

Summary:

The meeting was called to order at approximately 5:45 p.m. Member Susan Wright in the absence of the Chair and Vice Chair (who arrived at approximately 6:15 p.m.). Jon Mills was recognized to provide his presentation which was related to his work on the Constitutional Revision Commission. He explained the process which this appointed body used to accomplish its work. Some of the issues which he addressed included the appointment process, voting of the Constitutional Revision Commission, drafting ballot language and the importance of outlining the pros and cons of issues. There was a question and answer period. Some of the questions related to campaign financing, single member districts, salary of the County Commission, repeal of the Boundary Adjustment Act and concurrency. Mr. Mills also suggested that the CRC identify alternatives to ballot proposals and create a subcommittee which would be responsible for drafting ballot language.

Since a quorum had been established, the agenda was approved unanimously (10 - 0). Member Crapo/Glaeser made the motion. A motion was made by Member Peterkin/Martin to approve the minutes. The motion passed unanimously (10 - 0).

Based upon a question about the issues which were to be submitted to the County Attorney for review, DJ Williams was recognized by the Vice Chair to respond to the question. Ms. Williams advised the members that she had presented the CRC's request to the County Attorney for the review of the issues list. She explained that the County Attorney had informed her that he would be requesting direction from the County Commission and at the January 25, 2000 meeting, the Commission approved for the County Attorney to continue advising the CRC on procedural issues but do not provide substantive legal advice. Ms. Williams informed the CRC that its independent counsel, George Nickerson, would have to review the issues. A motion was made by Member Estes/Thomas to forward the issues to George Nickerson for his review and present his comments at the February 8 meeting. The motion passed unanimously (9 - 0).

Minutes of the January 25, 2000 meeting

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Based upon discussion, there was consensus to schedule the following items on the February 8 agenda:

- 1) Presentation from George Nickerson on the charter issues list review;
- 2) Discuss the frequency of the CRC's meeting cycle;
- 3) Discuss creating sub-committees.

The staff liaison was requested to inform George Nickerson that the CRC would like him available for conference calls during scheduled meetings (when arranged) and to draft a letter for the Chair's signature thanking Jon Mills for his presentation.

The meeting adjourned at approximately 7:00 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
FEBRUARY 8, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: H. Budd, E. Crapo, P. Denton, M. Glaeser, P. Hanrahan, R. Hawkins, C. Martin, F. Peterkin, B. Thomas and J. Wootten

COUNTY STAFF: DJ Williams (Staff Liaison) and Bob Ott (Litigation Attorney)

OTHERS PRESENT: Ron Cunningham (Gainesville Sun) and George Nickerson (Independent Counsel)

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:37 p.m. by Chair Wootten. A motion was made by Member Peterkin/Crapo to approve the agenda. Motion passed unanimously (9 - 0). A motion was made by Member Crapo/Thomas to approve the January 25, 2000 minutes. The motion passed unanimously (9 - 0). Mr. Nickerson was recognized to present the results of his legal review of the study issues list. The results (presented in the order that the issues appeared on the list) are attached. Issues with ~~strike throughs~~ are those which the Independent Counsel stated were not within the CRC's authority.

There was consensus that Mr. Nickerson would present the following opinions in writing:

- 1) salary issue;
- 2) environmental ordinances prevailing over municipal ordinances;
- 3) single member/at-large district;
- 4) limits on the autonomy of the Sheriff (i.e. budget appeal and a police review board);
- 5) mandatory fees;
- 6) district residency requirement;
- 7) term limits; and
- 8) non partisan elections.

As a component of the salary issues, Mr. Nickerson will also research whether conditions of work can be mandated.

There was consensus to defer revisions to the CRC's meeting schedule and creation of sub-committees.

The meeting was adjourned at approximately 6:53 p.m.

**SUGGESTED CRC STUDY ISSUES
PROVIDED BY VARIOUS ELECTED OFFICIALS AND CITIZENS**

1. **County ordinances prevailing over municipal ordinances**
2. **County environmental ordinances prevailing over municipal ordinances;
can specify that certain areas prevail (Chapter 125)**
- ~~3. **Municipalities should maintain the ability to exercise home rule;**~~
4. **Flexibility to empanel the CRC more frequently than very ten years;**
5. **County Commission salary structure should be controlled locally;
Section 145.031(2)**
- 6. **Salary reduction for County Commission;**
7. **Establish a joint planning structure;
Need to conduct additional research**
- ~~8. **Repeal the Boundary Adjustment Act;**~~
9. **Term limits for County Commission;**
- ~~10. **Specify a certain amount of funding for land conservation;**~~
11. **Assess a fee for the use of all governmental resources;
need additional research**
12. **Single member districts;**
- ~~13. **High costs of county-wide campaigns;**~~
14. **District residency requirement;
need additional research**
15. **Non partisan elections for all County elected officials;**
16. **Limits on the autonomy of the Sheriff;**

17. ***Fire service consolidation;***
18. ***Review issues from the sustainability perspective;***
19. ***independent auditor***
20. ***Conflicts in Charter (glitches***
21. ~~***Campaign finance regulations***~~
22. ***Special districts should have elected officials serving as governing body***
need additional research
23. ~~***Annexation regulations***~~
24. ~~***Assure appropriate level of staffing and funding for the environmental protection office***~~
25. ***Police review board comprised of citizens and officers (Sheriff)***
Need additional research

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
FEBRUARY 22, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: H. Budd, E. Crapo, P. Denton, M. Glaeser, P. Hanrahan, R. Hawkins, C. Martin, F. Peterkin, B. Thomas and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison) and Bob Ott (Litigation Attorney)

OTHERS PRESENT: George Nickerson (Independent Counsel)

Summary:

After confirming a quorum and in the absence of the Chair and Vice-Chair, the meeting was called to order at approximately 5:33 p.m. by Member Glaeser (who chaired the meeting). The agenda was unanimously approved. A motion was made by Member Thomas/Hawkins to approve the minutes. Motion passed unanimously (8 - 0). Mr. Nickerson was recognized to provide the results of his research. Mr. Nickerson reviewed and provided the legal basis for each of the following issues:

- 1) single member districts;
- 2) non partisan elections;
- 3) term limitations;
- 4) district residency requirement;
- 5) County Commission salaries;
- 6) autonomy of the Sheriff; and
- 7) environmental protection.

The CRC reaffirmed the issues which had been eliminated at the February 8, 2000 meeting and specified (with the agreement of Mr. Nickerson) that the following issues should be eliminated based upon the additional research which had been conducted by the independent counsel:

- 1) district residency requirement;
- 2) limits on the autonomy of the Sheriff;
- 3) fire service consolidation;
- 4) special districts should have elected officials serving as governing body; and
- 5) police review board comprised of citizens and officers (Sheriff).

A motion was made by Member Martin/Thomas to accept legal counsel's review and that Issues 3 (municipalities should maintain the ability to exercise home rule), 8 (repeal the Boundary Adjustment Act), 10 (specify a certain amount of funding for land conservation), 13 (high costs of county wide campaigns), 14 (district residency requirements), 16 (limits on the autonomy of the Sheriff), 17 (fire service consolidation), 21 (campaign financing), 22 (special districts should have elected officials serving as governing body), 23 (annexation regulations), 24 (assure appropriate level of staffing and funding fro the environmental protection office), and 25 (police review board comprised of citizens and officers (Sheriff) are deleted from the *Suggested CRC Study Issues* list.

The CRC reviewed the remaining issues to determine whether further deletions were needed. The results of this review are outlined on the attached document with the various motions associated with each item. The study items which remain follow:

- 1) county ordinances prevailing over municipal ordinances;
- 2) county environmental ordinances prevailing over municipal ordinances;
- 3) flexibility to empanel the CRC more frequently than every ten years;
- 4) County Commission salary structure should be controlled locally;
- 5) establish a joint planning structure;
- 6) assess a fee for the use of all governmental resources;
- 7) single member districts;
- 8) independent auditor; and
- 9) conflicts in Charter (glitches)

After some discussion about whether to place these issues on the CRC's web site, a motion was made by Member Wright/Hanrahan to place the issues on the web site. Motion passed 9 - 1.

The frequency of the CRC's meetings was discussed. Based upon this discussion, a motion was made by Member Martin/Thomas to meet all four Tuesdays in March @ 5:30 p.m. and that no Section Three vote will be taken any earlier than April 4, 2000. Motion passed 8 - 2.

Mr. Nickerson suggested that the study issues be grouped as follows:

- Group 1: County ordinances prevailing over municipal ordinances, County environmental ordinances prevailing over municipal ordinances and establish a joint planning structure.
- Group 2: County Commission salary structure should be controlled locally and single member districts.

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Group 3: flexibility to empanel the CRC more frequently than every ten years, assess a fee for the use of all governmental resources, independent auditor and conflicts in the Charter.

A motion was made by Member Denton/Peterkin to consider the Group Three issues at the March 7 meeting. The motion passed 10 - 0. A motion was made by Member Denton/Peterkin to consider the Group One issues on March 14. Motion passed 10 - 0. A motion was made by Member Denton/Hawkins to consider the Group Two issues on March 21. Motion passed 10 - 0. A motion was made by Member Denton/Thomas that the March 28 meeting would be used as a "clean-up" for the issues.

Additionally, there was consensus to advertise the nine study issues and the dates that the CRC will be discussing the issues. The advertisement should provide for at least a seven-day advance notice.

Finally, a motion was made by Member Martin/Hanrahan for staff to notify all the municipalities and elected County entities of the agenda and items which will be scheduled during the March meetings. The motion passed 10 - 0.

The meeting adjourned at approximately 7:30 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
MARCH 7, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: Ed Crapo, P. Denton, P. Hanrahan, R. Hawkins, C. Martin, J. Massey, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), Dave Wagner (County Attorney), Bob Ott (Attorney) and Terri Hutchinson (ESSA)

OTHERS PRESENT: George Nickerson, Independent Counsel

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:37 p.m. by Chair Wootten. A motion was made by Member Hanrahan/Thomas to approve the agenda. Motion passed unanimously. A motion was made by Member Thomas/Peterkin to approve the minutes after correcting the spelling of Member Hawkins last name. Motion passed unanimously.

The citizen comment section of the agenda was briefly discussed. There was consensus to keep the section on the agenda but language will be added to read "Comments will be received for items which are scheduled on the agenda and comments will be limited to three minutes".

There was discussion about the County Commission's flexibility to empanel the CRC more frequently than every ten years. The 1992 court order related to the empaneling of the 1991 CRC and its ability to place initiatives on the ballot before the 2000 general election and the rationale for empaneling the 1991 CRC were discussed. Some members expressed a desire to draft permissive language which would allow the CRC to be empaneled more frequently than every ten years. After more discussion, there was consensus to tentatively include this item with conflicts in the Charter (should this item remain as an item which is proposed as an amendment to the Charter).

George Nickerson (Independent Counsel) was recognized and he summarized his March 7, 2000 memo on the issue of assessment of a fee for all governmental services. Mr. Nickerson outlined his concerns which related to unintentionally requiring fees for certain services and limiting the County Commission control on the budget is very likely inconsistent with general law.

There was extensive discussion regarding creating an independent auditor position. Mr. Nickerson advised that the County Commission could contract with a service provider to conduct management performance audits per Power -v- Alachua County court case. This discussion also included issues related to mandating performance audits for Constitutional Officers. There was consensus to invite the City of Gainesville Auditor to the March 28, 2000 meeting to provide a presentation (limited to 30 minutes) to the CRC. Mr. Nickerson is to summarize the different Florida governments which have independent auditors.

Conflicts in the Charter were discussed. The conflicts which were identified relate to sunseting of the CRC and residency requirements for County Commissioners. The CRC requested that Mr. Nickerson draft language related to these issues for its review and comment.

DJ Williams advised the CRC that the County Commission conducted a workshop on March 6 to discuss Charter issues. Based upon the discussion at this workshop, staff was requested to coordinate a presentation from Volusia County officials on the topic of joint planning structure. It was explained that County staff was working with Gainesville staff on developing joint planning activities and County staff had identified other local governments that were using a joint planning structure. The CRC expressed interest in receiving a presentation from County staff on this topic. Ms. Williams is to coordinate the joint planning structure presentation with appropriate staff.

Additionally, Ms. Williams was requested to make a note in her e-mail to the CRC that if members identify any other glitches in the Charter, these should be provided to her as soon as possible.

The meeting adjourned at approximately 7:40 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
MARCH 14, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

**MEMBERS
PRESENT:** H. Budd, Ed Crapo, R. Estes, M. Glaeser, P. Hanrahan, R. Hawkins,
C. Martin, J. Massey, F. Peterkin, B. Thomas, J. Wootten and
S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), and Terri Hutchinson (ESSA)

**OTHERS
PRESENT:** George Nickerson, Independent Counsel, Billie Staff, Doris Bardon,
Gladys Lane, Marion Radson, Ron Cunningham, Ralph Hilliard,
Commissioner Robert Hutchinson, Chris Bird, Arthur Saarinen,
Phyllis Saarinen and Jim Konish

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:33 p.m. by Chair Wootten. A motion was made by Member Peterkin/Thomas to approve the agenda. Motion passed unanimously. A motion was made to approve the minutes and was unanimously passed.

Citizen comments were received. Doris Bardon (representing Women For Wise Growth) supported County environmental ordinances prevailing over municipal ordinances. Arthur Saarinen addressed a joint planning structure.

DJ Williams (Staff Liaison) advised the CRC that County staff had not completed gathering information on the joint planning structure presentation and would not be giving the presentation. There was consensus among the CRC to schedule this presentation on the March 28, 2000 meeting agenda.

The issue of County ordinances prevailing over municipal ordinances was discussed. It was explained that County ordinances prevailing over municipal ordinances and County environmental ordinances prevailing over municipal ordinances could be combined together as a ballot initiative or these could be independent of each other. There was consensus that the CRC was not interested in pursuing the broad topic of County ordinances prevailing over municipal ordinances. Based upon a handout which was distributed, the CRC reviewed the current Charter language regarding prevailing ordinances and language which was proposed to specify that County environmental ordinances prevail over municipal ordinances.

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A question was raised regarding whether a 4/5 vote should be required to adopt an ordinance establishing minimum standards stricter than general law. George Nickerson (Independent Counsel) was requested to research this issue. It was also suggested that Mr. Nickerson use the proposed environmental language as a model for drafting language to specify that County environmental ordinances will prevail over municipal ordinances and identify any related case law addressing conflicts.

The CRC requested that Mr. Nickerson determine whether Broward County's ordinance related to environmental/land use planning has been enforced. There was some interest in having an ordinance that would be as broad as possible. Mr. Nickerson stated that open space and green space requirements; as well as parking were hidden issues which should be considered.

The joint planning structure issue was discussed. There was a question related to how much can be implemented via an interlocal agreement as oppose to a charter change. Mr. Nickerson asked for someone to explain what problem needs to be fixed. The responses included problems surrounding annexations. Mr. Nickerson stated that the problem with creating a joint planning structure included the need to have such a structure approved by the appropriate City/County Commissions. He expressed concerns regarding whether anything was accomplished with this measure.

Mr. Nickerson is to review the Charter to determine whether there is language which precludes a joint planning structure. Additionally, he is to research Leon County's ordinance to confirm that there is one land use code for the City and County governments.

The point was made again that a joint planning structure could be created without amending the Charter. Ralph Hilliard (City of Gainesville Planning Manager) was recognized to provide a report on the City of Gainesville's planning process.

It was clarified that the assignments given to Mr. Nickerson would be presented at the March 21, 2000 meeting.

The meeting adjourned at approximately 7:19 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
MARCH 21, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: K. Blount, H. Budd, Ed Crapo, R. Estes, M. Glaeser, R. Hawkins, C. Martin, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison)

OTHERS PRESENT: George Nickerson (Independent Counsel), Commissioner Dave Newport, Professors Ken Wald and R. Scher

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:33 p.m. by Chair Wootten. A motion was made by Member Peterkin/Glaeser to approve the agenda. Motion passed unanimously. A motion was made to approve the minutes after correcting the tense of oppose to opposed on page 2/paragraph 3/line 2. Motion passed unanimously.

Citizen comments were received. Commissioner Newport addressed single member districts and campaign financing. He expressed mixed feelings regarding single member districts and posed the question - "what is the problem that we are trying to fix"? He also commented on the composition of previous (as well as current) County Commissions.

The topic of County Commission salaries controlled locally was discussed. George Nickerson's opinion was requested. In commenting on this topic, Mr. Nickerson explained the action Volusia County had implemented and its results. Volusia County does restrict salaries and the resulting affects include fewer candidates running for elected office. Mr. Nickerson stated that once a restriction has been instituted, as a practical matter, it is unlikely to be reversed.

A member asked Commissioner Newport about the number of hours he works per week. Commissioner Newport explained that he normally works approximately 50 hours.

Various members indicated their support for the current salary structure for County Commissioners.

The topic of single member districts was introduced. There was discussion regarding the need for single member districts. Some reasons included to control campaign costs and adequate representation. Professor Ken Wald addressed campaign costs for at-large elections as compared with single member district elections; and did indicate that the money expended for single member district elections may be less than at-large elections. There was discussion about the costs of Commissioners Newport and Hutchinson campaigns.

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Dr. Scher explained his experience as an expert witness regarding single member districts. He explained that it was important to define your goals (i.e. what are you trying to achieve).

It was suggested by Member Martin that Mr. Nickerson draft language which proposes a mixed election system. The number of commissioners would not be defined and there should be a population "trigger". There was consensus for Mr. Nickerson to complete this as an assignment.

There was also a suggestion made by Member Glaeser to provide for non partisan elections and to propose district primaries with at-large elections. There was interest in this concept also.

The meeting adjourned at approximately 7:05 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
MARCH 28, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS PRESENT: K. Blount, H. Budd, Ed Crapo, M. Glaeser, R. Hawkins, P. Hanrahan, C. Martin, J. Massey, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), Terri Hutchinson (ESSA) and Susan McCune (Growth Management Planner)

OTHERS PRESENT: George Nickerson (Independent Counsel), Ron Cunningham (Gainesville Sun), Marion Radson, Jim Konish, Doris Bardon and Alan Ash (City of Gainesville Auditor)

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:39 p.m. by Chair Wootten. A motion was made by Member Thomas/Peterkin to approve the agenda. Motion passed unanimously. A motion was made to approve the minutes after clarifying the language on Page 1/Paragraph 3/last sentence to read "Mr. Nickerson stated that once a restriction has been instituted as a *practical matter*, it is *unlikely to can-not* be reversed. The minutes were approved unanimously.

Chair Wootten advised the CRC of her conversation with Member Blount regarding arranging a conference call with a Broward County Commissioner regarding single member districts. DJ Williams updated the CRC on the request made by Member Blount. Ms. Williams was requested to contact the Commissioner to obtain information on the single member district issue.

Susan McCune (Planner) was recognized and provided an overview of the joint planning models which were outlined in the Staff Report. There were questions and comments from CRC members about the information which had been provided, as well as the joint planning activities which are being discussed by the City of Gainesville and Alachua County staffs.

Alan Ash was recognized to explain the City of Gainesville Auditor's role and responsibilities. He informed the CRC that his office's responsibilities include operational auditing and compliance review. He stated that the Auditor's goal is to ensure that internal controls are implemented. He also provided some statistical data regarding Auditors in county governments across Florida.

George Nickerson was recognized to present the results of his research on the assignments given during the March 7, 14 and 21 meetings. The attached report was submitted to and reviewed with

**March 28, 2000 CRC Meeting
Minutes**

the CRC. There were questions and comments regarding the information contained in the report. One of these questions related to whether members could vote by absentee. Ms. Williams and Mr. Nickerson both indicated that CRC members more than likely could not do this. Ms. Williams was requested to confirm this with the County Attorney. There was extensive discussion regarding voting. The CRC's time line was discussed. There was consensus to schedule the three required public hearings ten days apart.

There was consensus to meet on each Tuesday in April except April 25. This meeting will be canceled.

The Chair requested that a discussion of Commission Chair Wheat's March memo be scheduled on the April 4, 2000 meeting agenda.

The meeting adjourned at approximately 9:00 p.m.

ALACHUA COUNTY CHARTER REVIEW COMMISSION
APRIL 4, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM

MEMBERS PRESENT: K. Blount, H. Budd, P. Denton, R. Estes, R. Hawkins, P. Hanrahan, C. Martin, J. Massey, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), Terri Hutchinson (ESSA)

OTHERS PRESENT: Doris Bardon, Chris Bird, Kathy Cantwell, Doug Hornbeck, and Jim Konish

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:40 p.m. by Chair Wootten. A motion was made by Member Estes/Peterkin to approve the agenda. Motion passed unanimously. A motion was made to approve the minutes. The minutes were approved unanimously after several amendments.

Citizen comments were received from the following:

- 1) Doris Bardon representing Women for Wise Growth - supports County *environmental* ordinances prevailing over municipal ordinances;
- 2) Kathy Cantwell *representing Sierra Club*- supports County *environmental* ordinances prevailing over municipal ordinances;
- 3) Jim Konish - commended the CRC for hiring George Nickerson and addressed attendance of CRC members;
- 4) Doug Hornbeck - wants to listen to the discussion on single member districts.

Chris Bird was recognized to explain the impacts of the proposed language regarding County ordinances prevailing over municipal ordinances. He distributed a memo explaining why ~~he did not support the proposed language~~ *his position*.

There was concern raised regarding discussing an agenda item under citizen comments. A motion was made by Member Denton/Massey to move issue six (County ordinances prevailing over municipal ordinances) to the first discussion item. After some discussion the motion passed 9-3 (Peterkin, Martin and Budd dissenting).

Citizen Hornbeck was given the opportunity to speak on single member districts. He declined, preferring to listen to the discussion.

Mr. Bird was requested to continue with his comments. He stated that he recommends that any proposed language should limit ~~environmental that ordinances prevail~~ *the prevalence of county environmental ordinances* over municipal ordinances to air and water.

Members Wright, Thomas and Martin distributed copies of proposed language for County ordinances prevailing over municipal ordinances. Member Wright explained her proposed language in detail. There was consensus to support Member Wright's proposal with some amendments. The proposed language reads:

Notwithstanding any other provision of this Charter, any County ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict regardless of whether such municipal ordinance was adopted or enacted before or after the County ordinance, provided that the County ordinance shall prevail over municipal ordinances whenever the County shall set minimum standards protecting the environment by prohibiting or regulating air or water pollution. In the event a County ordinance and a municipal ordinance shall cover the same subject matter without conflict, both the municipal ordinance and the County ordinance shall be effective, each being deemed supplemental, one to the other.

There was ~~consensus to amend~~ *agreement that* the proposed language ~~to address~~ the following points:

1. Municipal ordinances will prevail over county ordinances except in the case of environmental ordinances as described.
2. Language such as the last sentence in Broward's section will be included to assure that if a city enacts a stricter ordinance but then fails to enforce their ordinance, the county's minimum standard will still apply and be enforced (ordinances are supplemental; the weaker ordinance will be a fallback should the stricter ordinance not be enforced).
3. We will not prohibit ordinances with exceptions.
4. Does not include the court's interpretation.
5. Will not limit ordinances to addressing "point source" pollution. The consensus was that air and water pollution be covered in the broader sense which includes non-point source pollution.
6. The words "for the purpose of" will be inserted into the Broward section (or into an equivalent section that Mr. Nickerson drafts) to specify that prevailing county ordinances be for the purpose of protecting the environment by prohibiting or regulating air or water pollution. The revised Broward sentence would then read:

“Whenever the County shall set minimum standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution”

There was extensive discussion regarding voting related to ranking the study issues. Concerns were expressed regarding the procedure for selecting issues.

After some discussion, there was consensus that the CRC would continue considering the following issues: conflicts in the charter and joint planning structure.

A motion was made by Member Martin/ Peterkin to use the following language proposed by George Nickerson:

Each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an inter-local agreement to provide for joint planning in the area reserved for annexation by such municipality.

- After amending the motion read:

Each municipality shall be responsible for land use planning within its respective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an inter-local agreement to provide for joint planning in the *portions of the unincorporated areas adjacent to, or within such municipality.*

The motion passed unanimously.

There was generally no support to continue consideration of the issues which follow:

- 1) requiring fees for the use of all governmental services;
- 2) empaneling the CRC more frequently; and
- 3) County ordinances prevailing over municipal ordinances.

The issues which follow are to be scheduled on the April 11, 2000 agenda:

- 1) independent auditor;
- 2) single member districts; and
- 3) County Commission salaries controlled locally.

The meeting adjourned at approximately 8:20 p.m.

ALACHUA COUNTY CHARTER REVIEW COMMISSION

April 11, 2000 MEETING - 5:30 P.M.

GRACE KNIGHT CONFERENCE ROOM

MEMBERS : H. Budd, Ed Crapo, K. Blount, P. Denton, R. Estes, M. Glaeser, P. Hanrahan, R. Hawkins, C. Martin, J. Massey, F. Peterkin, B. Thomas, J. Wootten and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison), and Pauline France (Intern)

OTHERS

PRESENT: Doris Bardon, Ron Cunningham, Doug Hornbeck, Commissioner Robert Hutchinson

Summary:

The meeting was called to order at 5:35 p.m. by Chair Wootten. A motion was made by Member Martin/Glaeser to approve the agenda. Member Wright suggested an addition to the New Business section of the agenda concerning scheduling. Member Thomas proposed the addition of environmental ordinances prevailing over municipal ordinances under Old Business. The additions were made and the agenda was approved unanimously.

A motion was made to approve the minutes. After several amendments, the minutes were approved unanimously.

Member Hanrahan distributed a proposal to submit language that would allow consideration of adding an Independent Auditor as an elected position. After some discussion, it was agreed that George Nickerson would draft ballot language for this issue. The language is to include the eight points outlined in his March 23, 2000 report letter. DJ Williams was requested to invite Buddy Irby to the April 18, 2000 meeting to provide input on this issue.

There was a concern raised by Member Glaeser about proposed environmental ordinances which prevail over municipal ordinances containing provisions for exemptions. Chris Bird was asked to address this concern. Discussion followed.

A motion was made to move issue three (i.e. single member districts) on the agenda to the second discussion item. After a brief discussion, the motion was passed unanimously.

The issue of single member districts was discussed. Proposals for this issue were presented by Members Martin, Budd, and Glaeser.

After extensive discussion, Member Martin suggested a straw vote on the proposals and specific components. The results of the vote follow:

- Member Budd's plan (consisting of seven members, 4 to be at-large, 3 to be single member district seats, and providing that electors will vote only for candidates where they reside) was passed 8 - 4.
- The issue relating to whether elections should be partisan, non-partisan, or a hybrid was voted upon. Partisan passed with 8 votes; while the non-partisan proposal received 3 votes, and the hybrid proposal received 1 vote.
- There was a decision to maintain the current voting system (i.e. at-large) until a "trigger" (i.e. population or date) takes effect.
- The "trigger" (consisting of population or date) component was voted upon. Using population as a "trigger" passed with 8 votes. Four members voted for year-specific. Additionally, members were unable to agree upon a specific population number.
- There was a unanimous vote to maintain the current procedure for selecting the County Commission Chair (i.e. election from among the membership).
- The number of commissioners which would comprise the proposed composition of the county commission was voted upon. The seven-commissioner proposal was passed with a vote of 7 - 5; five members voted for maintaining five commissioners. This component would also take effect with a population or date "trigger".

There was a discussion regarding county commission salaries controlled locally. Members Denton and Martin made the proposals which follow:

- Member Denton suggested leaving the salary level as it is and require commissioners to vote on their salary increases.
- Member Martin proposed that salaries of the county commissioners shall be set by county ordinance.

Based upon the vote, six members preferred the Denton proposal and six voted for Member Martin's proposal. George Nickerson was requested to develop ballot language for these two options.

The March 20, 2000 memo, "Dialogue with Advisory Board and Committees", from County Commission Chair Wheat was discussed. There was consensus that Chair Wootten would transmit a letter responding to Chair Wheat's memo which would specify that the appointment process for the CRC was well-organized, some members thought that the CRC should be given more time to complete its work and some members thought that the time was adequate.

There was a motion made and seconded that DJ Williams is to develop a timeline working back from July which would place meetings every two weeks. This timeline is to be presented at the April 18, 2000 meeting. The motion passed unanimously.

The meeting was adjourned at approximately 9:00 p.m.

ALACHUA COUNTY CHARTER REVIEW COMMISSION

April 18, 2000 MEETING - 5:30 P.M.

GRACE KNIGHT CONFERENCE ROOM

MEMBERS: K. Blount, H. Budd, E. Crapo, P. Denton, M. Glaeser, P. Hanrahan, C. Martin, F. Peterkin, B. Thomas, J. Wootten and S. Wright, R. Hawkins

COUNTY STAFF: Terri Hutchinson

OTHERS

PRESENT: George Nickerson, Buddy Irby, Jim Konish, and Mike Byerly

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:30 p.m. by Chair Wootten. A motion was made by member Denton/Hanrahan to approve the agenda. The agenda was approved unanimously. After making several changes to the April 11, 2000 minutes, the minutes were approved unanimously after a motion was made by member Thomas/Glaeser. The letter to Commissioner Penelope Wheat from Chair Wootten concerning CRC's opinions about the CRC's appointment process was distributed.

Member Wright requested that the April 4, 2000 minutes reflect that Kathy Cantwell represents the Sierra Club and that Item 3 on page 2 is to read "Exceptions will not be prohibited".

Chair Wootten recognized citizen Mike Byerly who addressed his support for putting County environmental ordinances prevailing over municipal ordinances on the ballot. He pointed out that most environmental ordinances can not be contained on arbitrary municipal boundaries.

After distributing a copy of an email, Member Wright presented citizen comments sent to her by email (Charlie Grapki) and phone call (Mayor of Micanopy) on the single member districts issue. She pointed out that the mayor was in clear support of single member districts, and that he proposed the adoption of nine single member districts based on geography (i.e. north, northeast, west, etc.).

Chair Wootten invited Buddy Irby to speak on the proposed independent auditor issue. Irby said that he sent some language on the issue to Mr. Nickerson and welcomes the idea of an auditor. He also asked Mr. Nickerson to address his concern on how the auditor under the county would reconcile with the Supreme Court opinion dealing with such an auditor. After distributing a packet which addressed amendment language listed as appendix A thru H, Mr. Nickerson asks the members to refer to his previous memo and the language in appendix D which was the drafted amendment to establish independent performance auditor. He said that the main concern he had with the independent auditor issue was the constitutional jury duty of the court. He also made it clear that it only relates to performance auditing, and not to intrude on pre-auditing or a recording audit. There was general agreement that the auditor could be contracted and managed by the County manager or County attorney.

Member Wright requested clarification from Mr. Nickerson on number 8 (conflicts in the charter) under Old Business. Mr. Nickerson advised the CRC to add residency of applicants, dissolution of CRC, and frequency of appointments under “Conflicts in the charter”, for purpose of ranking the issues.

There was discussion regarding the inclusion of County ordinances prevailing over municipal ordinances, and assessing a fee for all governmental services. Member Wright informed the CRC that they had previously decided to remove those issues from the voting list. There was consensus that those issues would not be voted on.

After some discussion on County Commission salaries controlled locally, Member Hanrahan suggested that the issue be split in two (plan 7A and plan 7B) because the issue includes Member Denton and Member Martin’s plans. Member Denton plan was that all salaries would remain the same and any decrease or increase would be voted on by the commission.

Mr. Nickerson requested that the CRC vote on a number for the population trigger which would engage the single-member districts plan in Appendix A and to change the semi-colon in Appendix B section 2.2 (salaries and other compensation). There were two proposals for a population trigger number of 250,000 or 300,000 people. The 250,000 number passed with a vote of 7 and the trigger of 300,000 failed with 5 votes. The number 250,000 replaced all [insert number] blanks of Appendix A.

There were changes made to Appendix C (amendment to authorize joint planning) and appendix G (amendment relating to frequency of CRC appointments. In appendix C, the sentence ending “...in portions of the incorporated area adjacent to such municipality”, “such” was replaced by “and, or, within such municipality”. In Appendix G, the changes were as follows in bold:

“A charter review commission consisting of not less than eleven (11) nor more than fifteen (15) electors of the county shall be appointed by the board of the county commissioners at least twelve (12) months but not before eighteen (18) months before the general election occurring in 1990 and at least twelve (12) months but not before eighteen (18) months before the general election occurring every ten (10) years thereafter...”

Chair Wootten begins the voting process by reading the CRC voting procedures which stated:

“...A weighted vote will be taken to determine a ranked list. Followed that, CRC will then vote on each individual item on the rank list beginning with the highest ranked item deciding to see if that item will be selected. An affirmative vote by more than half of the total membership of CRC (8 people) will select the item(s) for the placement on the ballot and referral for public hearings. Following the votes on each proposed item, the CRC will then vote to determine if they will continue the selection process...”

A total of 100 points can be distributed to 1 or more of the items on the ballot. Then the topics with the highest points will be voted on to go to the ballot. The results were as follows:

- County environmental (water and air) ordinances prevailing over municipal

ordinances passed with 10 to 2.

- Continue Voting Process passed unanimously (12 to 0)
- Joint Planning Structure passed 11 to 1
- Continue Voting Process passed 9 to 3
- Mixed Voting System (single member seats/at large) failed 3 to 9
- Continue Voting Process passed 10 to 2
- County Commission salaries controlled locally (Plan 7A and 7B) failed 6 to 6
- Independent Auditor passed 9 to 3
- Continue Voting Process passed unanimously (12 to 0)
- Conflicts in the Charter (including frequency of empaneling, residency requirement, and dissolution of CRC) passed unanimously (12 to 0)

DJ Williams requested to be called via conference call in order to discuss the timeline of up-coming meetings. Ms. Williams reviewed the timeline item by item and it was agreed that meetings on May 9, 2000 and May 23, 2000 would be tentative. Additionally, there would be three public hearings (May 18, June 1, and 15) on Thursdays for the purpose of live or rebroadcast of the hearings, and ballot initiatives would be finalized on June 27, 2000.

Member Glaeser explained his reason for voting against county environmental ordinances prevailing over municipal ordinances. He stated that he thought it was unfair due to its clear favor to the decisions made by the government *that benefit specific businesses*.

The meeting was adjourned at approximately 8:10 pm.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
May 2, 2000 MEETING - 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM**

MEMBERS: K. Blount, H. Budd, P. Denton, M. Glaeser, P. Hanrahan,
C. Martin, B. Thomas, J. Wootten and S. Wright.

COUNTY STAFF: DJ Williams

OTHERS

PRESENT: George Nickerson

Summary:

After confirming a quorum, the meeting was called to order at approximately 5:43 p.m. by Chair Wootten. A motion was made by Member Martin/Thomas to approve the agenda. The agenda was approved unanimously. A motion was made by member Estes/Thomas to approve the April 18 minutes. The minutes were unanimously approved after an addition was made to page 3/last sentence in the last paragraph to read "He stated that he thought it was unfair due to its clear favor to the decisions by the government *that benefit specific businesses*".

Chair Wootten recognized citizen Jim Konish. He said that he would reserve his comments until the issue of County environmental ordinances prevailing over municipal ordinances was addressed.

George Nickerson was recognized to present the proposed Charter amendment language. He explained the two versions of the language (Broward County and Orange County version) which would provide for County environmental ordinances prevailing over municipal ordinances. Dave Wagner advised that Chris Bird preferred the Broward version and stated that Mr. Bird likes the last sentence in each version. Member Thomas disseminated her proposed amendment language which states:

"Municipal ordinances shall prevail over county ordinances EXCEPT when county ordinances establish minimum standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution, and only to the extent that such minimum standards are stricter than the applicable municipal standards. In the event a county ordinance and municipal ordinance do not conflict in the protection of the environment as stated above, both the municipal ordinance and the County ordinance shall be effective, each being supplemental, one to the other."

Member Thomas explained that the reason she preferred her version was because the language was written to be consistent with the manner in which the charter language is written. George Nickerson was asked whether there was a problem with Member Thomas language and he responded that there was not a problem. Member Estes indicated he preferred Member Thomas language. Dave Wagner

was asked for his opinion and he explained the differences between the three versions. Mr Nickerson indicated that a judge should construe all versions the same. Mr. Nickerson suggested merging the Broward version with Member Thomas' proposal.

Jim Konish was recognized to explain his version which included setting limits. He stated that any proposed language should not make exceptions. He stated that the language in the other proposals was ambiguous.

After extensive discussion of this proposed Charter amendment, a hybrid amendment was proposed by Mr. Nickerson:

"Municipal ordinances shall prevail over county ordinances to the greatest extent possible. However, County ordinances shall prevail over municipal ordinances whenever the County shall set minimum standards for the purpose of protecting the environment by prohibiting or regulating air or water pollution. In the event a County ordinance and a municipal ordinance shall cover the same subject matter without conflict, both the municipal ordinance and the County ordinance shall be effective, each being deemed supplemental, one to the other."

Member Glaeser expressed concerns regarding issues which may arise with the proposed language and suggested that County environmental ordinances should always prevail over municipal ordinances. There was a motion made by Member Estes and seconded to approve the hybrid language proposed by Mr. Nickerson and it was unanimously passed.

Jim Konish requested that the CRC give a lot of attention to the ballot language. He was advised that the ballot language would be considered at a later date.

The independent auditor language was considered. Member Martin indicated that he thought the CRC had agreed to have permissive language to read "The County Commission may appoint a Commission auditor who shall serve..." After discussion, there was agreement that the language should be permissive. After amending the first sentence to read "The Board of County Commissioners may appoint a Commission Auditor who shall serve at the pleasure of the Board", a motion was made to approve the language. The motion was unanimously approved 7-0.

The proposed joint planning language was considered. After some discussion, the last sentence was amended to read as follows:

"Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area adjacent to such municipality or portions of the areas within such municipality."

There was a motion made by Member Martin/Wright to approve the proposed amendment language with the changes. The motion was passed unanimously.

The proposed Charter amendment language related to frequency of empaneling the CRC, dissolving the CRC and residency requirements for County Commissioners was discussed. Because empaneling and dissolving the CRC is within the same proposed Charter amendment language, there was a question about the "single subject" rule. Mr Nickerson indicated that this did not apply. There was a motion made by Member Martin/Wright to approve the proposed amendment language for these issues. The motion passed unanimously (7-0). DJ Williams provided an update on the CRC public hearings. She advised the CRC that the May 18 public hearings would be taped for rebroadcast on Friday and that the June 1 and 15 meetings may be aired "live".

After some discussion about the timeline, it was agreed that there would be no meeting on May 9 and that final voting on the proposed amendments would occur at the June 27 meeting. There was discussion about the final report and Ms. Williams advised that a draft report would be prepared by staff for review and comment by CRC.

Member Phil Denton's resignation letter was discussed. Member Martin/Wright made a motion to accept the resignation. The motion passed 5 to 2. Ms. Williams advised that staff would be requesting that the County Commission fill the vacancy based upon her discussion with Dave Wagner. She advised that there were three applicants remaining in the "pool" from which the County Commission would make its selection. DJ Williams was requested to contact former Member Mark Stowe to determine if he was interested in being appointed to the CRC. DJ was also requested to submit his name as an applicant if he was.

There was discussion regarding the need to have a second vice-chair. Based upon this discussion, a motion made by Members Budd/Hanrahan to appoint Clay Martin as Second Vice Chair. The motion was unanimously passed 7 to 0.

The meeting was adjourned at approximately 7:19 p.m.

CHARTER REVIEW COMMISSION
June 27, 2000 @ 5:30 P.M.
GRACE KNIGHT CONFERENCE ROOM

MEMBERS

PRESENT: Harvey Budd, Edward Crapo, Rodney Estes, Mitchell Glaeser, Pegeen Hanrahan, Regina Hawkins, William "Clay" Martin, Thomas McKnew, Fredrick Peterkin, Beverly Thomas, Janet Wootten, and Susan Wright.

COUNTY STAFF: DJ Williams (ATCM)

OTHERS

PRESENT: George Nickerson (CRC Legal Counsel), Jim Pendland, Doris Bardon, Olen Barber, Jim Konish, Chris Bird, Dwight Adams, Connie Barkdoll, and Mark Kane Goldstein.

Summary:

After confirming a quorum, Chair Wootten called the meeting to order at 5:35 p.m. A motion was made by Member Wright/Thomas to approve the agenda. The motion passed unanimously.

There was a motion by Member Crapo/Estes to approve the minutes. After amending the June 1, 2000 minutes to clarify the first suggestion made by Jim Konish, the motion passed unanimously.

Doris Bardon, representing Women for Wise Growth, was recognized. She stated that Women for Wise Growth encouraged the adoption of the amendments related to joint planning and county environmental ordinances prevailing over municipal ordinances.

Dwight Adams, representing Sierra Club, was recognized. He supports County environmental ordinances prevailing over municipal ordinances.

Jim Konish was recognized. He supports the alternative language regarding the County environmental ordinances prevailing over municipal ordinances. The alternative focuses on the enforceability of ordinances. He stated that all environmental ordinances are inherently complementary to each other.

Olen Barber, Mayor of High Springs, was recognized. He distributed a resolution opposing the amendment to section 1.04. The resolution suggested that the CRC not pass any ordinances that did not allow cities to "opt out".

Chris Bird was recognized. He stated that Florida was pursuing a state program that could only be applied if a county can apply it to all municipalities. He is concerned about any provisions in the Charter that would undermine the basic programs and services the state makes available. He believes that minimum standards implemented by the County is the most effective approach.

Extensive discussion followed regarding the County environmental ordinances prevailing over municipal ordinances.

George Nickerson was recognized to introduce the alternative language for section 1.04. There was a motion by Member Wright/Budd to approve the alternative proposal. The motion was passed with a vote of 10 to 2 with Members Estes and Martin dissenting.

There was a brief discussion concerning section 2.3 (Independent performance Auditor). There was a motion by Member Estes/Budd to delete the Independent Auditor amendment from further consideration. The motion was passed 10 to 2 with Members Hanrahan and Hawkins dissenting.

Members Martin and Hawkins left at this point (8:00pm)

There was brief discussion concerning section 1.5 (Joint planning). There was a motion made by Member McKnew/Crapo to place this amendment on the ballot after the following amendments were made:

“Each municipality shall be responsible for land use planning within its perspective boundaries and the county shall be responsible for land use planning in the unincorporated area. Notwithstanding the foregoing, the county and any municipality may enter into an interlocal agreement to provide for joint planning in portions of the unincorporated area ~~adjacent to such municipality~~ *not located within the urban reserve area of another municipality* or in portions of the area within such municipality.”

There was a motion made by Member Estes/Thomas to accept section 2.2 (Commission residency requirements). The motion was passed unanimously.

There was a motion by Member Wright/Hanrahan to use simple a majority voting system to vote on the ballot language. The motion passed unanimously.

There was a brief discussion concerning scheduling a fourth public hearing. There was a motion by Member Thomas/Wright not to have an additional public hearing. The motion passed 8 to 2. Additionally the CRC draft report was discussed and there was agreement that it would be deferred until the next meeting.

The meeting adjourned at approximately 8:30 p.m.

Community Meeting MINUTES

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
FIRST COMMUNITY MEETING
OCTOBER 13, 1999 MEETING - 6:00 P.M.
MILLHOPPER BRANCH LIBRARY**

MEMBERS PRESENT: M. Glaeser, F. Peterkin and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison)

CITIZENS PRESENT: Barbara Scott, Arthur Scott, Doris Bardon and Julia Reiskind

Summary:

The meeting was called to order at approximately 6:08 p.m. by Member Mitch Glaeser with a welcome and overview of the Charter Review Commission. He explained that the CRC had been meeting for approximately six weeks, was in the process of trying to determine which issues should be studied and was conducting the three community meetings to obtain ideas from the public. He recognized Member Wright who further explained the three phases of the CRC's work (exploratory, research and public awareness).

The following comments were made by citizens:

- 1) **Julia Reiskind:** County ordinances which are stricter than municipal ordinances should apply county-wide.
- 2) **Doris Bardon (representing Women for Wise Growth)**
County environmental ordinances should prevail over municipal environmental protection ordinances
- 3) **Barbara Scott:** stated she served on the Ad Hoc Committee that drafted the Charter; it was the intent of the drafters of the Charter that the County Commission could empanel a CRC more frequently than every ten years; there needs to be a change in the salary structure for the County Commission (salaries should be under local control).

Doris Bardon commented on the poor attendance at the Community Meeting and suggested that the CRC improve its strategy for advertising. Member Glaeser outlined some of strategies which included advertising on Cox Cable 8 meeting scroll, Internet, public service announcements and the "Millennium Article" which is to be published in the Gainesville Sun.

The meeting adjourned at approximately 6:45 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
SECOND COMMUNITY MEETING
OCTOBER 18, 1999 MEETING - 6:00 P.M.
TOWER ROAD BRANCH LIBRARY**

MEMBERS PRESENT: M. Glaeser, F. Peterkin, B. Thomas and S. Wright

COUNTY STAFF: DJ Williams (Staff Liaison)

CITIZENS PRESENT: Doris Bardon, Michael Hoge, Susan Halbert, Kathy Cantwell, Jim Colleran, Meghan Costigan and Larry Connor

Summary:

The meeting was called to order at approximately 6:03 p.m. by Member Peterkin who provided welcoming comments and an overview of the CRC's work (e.g. creating various web sites). The following is a summary of the comments made by citizens:

- 1) Doris Bardon (representing Women for Wise Growth) - county environmental ordinances should prevail over municipal ordinances; term limits; assign a specified amount for land conservation; people should be required to pay for the privilege of using all governmental resources (i.e. transportation)
- 2) Kathy Cantwell - agreed that county environmental ordinances should prevail over municipal ordinances; anti single member districts;
- 3) Jim Colleran - joint planning structure;
- 4) Mike Hoge - spoke on a joint planning structure, environmental rules and home.

The meeting was adjourned at 6:43 p.m.

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
THIRD COMMUNITY MEETING
OCTOBER 20, 1999 MEETING - 6:00 P.M.
T. B. MCPHERSON COMMUNITY CENTER**

**MEMBERS
PRESENT:** . **K. Blount, M. Glaeser, F. Peterkin, C. Martin, B. Thomas and
S. Wright**

COUNTY STAFF: **DJ Williams (Staff Liaison)**

**CITIZENS
PRESENT:** **Lee Pinkoson**

Summary:

The meeting was called to order @ approximately 6:04 p.m. by Member Wright with opening comments. Members Glaeser and Thomas also provided some introductory comments. This session was primarily educational for the attendee, who stated that he came to the meeting to learn.

The meeting adjourned at approximately 6:30 p.m.

Public Hearings
MINUTES

**CHARTER REVIEW COMMISSION
FIRST PUBLIC HEARING
May 18, 2000 @ 6:00 P.M.
JACK DURRANCE AUDITORIUM - ROOM 209**

MEMBERS

PRESENT: Edward Crapo, Mitchell Glaeser, Pegeen Hanrahan, Regina Hawkins, Jimmy Massey, William "Clay" Martin, Fredrick Peterkin, Janet Wootten, and Susan Wright.

COUNTY STAFF: Dave Wagner (County Attorney), DJ Williams (ATCM), Pauldine France-(Intern)

OTHERS

PRESENT: Ben Rowe, Jim Pendland, Olen Barber, John Hill, John Martin, Chris Bird, Jim Konish, Doris Bardon, and Joe Little.

Summary:

After confirming the quorum, Chair Wootten called the hearing to order at 6:05 p.m. A motion was made by Peterkin/Hanrahan to approve the agenda. The motion was passed unanimously.

DJ Williams was recognized for a presentation on the proposed amendments. Language for each of the proposed amendments environmental ordinances prevailing over municipal ordinances, independent auditor, joint planning, and conflicts in the charter was presented.

Dave Wagner explained the following three ways that the charter can be amended:

1. Amendment proposed by petition;
2. A charter review commission using their an independent right to submit amendment(s) for the ballot;
3. Board of County Commissioners can propose an amendment via ordinance.

Member Crapo expressed his concern about including exemptions in environmental ordinances. Dave Wagner pointed out that the County has some environmental exemptions. Member Hanrahan advised that there are valid exemptions and used "controlled burning" as an example. Member Hawkins supported Member Hanrahan's position on the issue.

Chair Wootten recognized Member Martin to explain the role and duties of the CRC's Rules Subcommittee. Member Martin explained that the CRC's study methodology included advice from experts and receiving input from the public at community meetings. He also read the CRC's voting procedure.

The Chair opened the public hearing.

Jim Konish was recognized. He provided input on the conflicting environmental ordinances issue and gave the following suggestions:

1. Add “(s)” at the end of the word “ordinance”, in order to keep the language consistent.
2. Add the word “supplemental” after the word “conflicting” in Section 1.04.
3. Address the issue of enforcement by adding “and be enforceable by the County within municipal boundaries” to the section 1.04 language.

Mr. Konish was requested to provide an underlined and stikethrough version of his suggestions.

Doris Bardon representing Women for Wise Growth was recognized. Ms. Bardon stated her organization’s support of the joint planning issue because it would encourage various agencies to work together and County environmental ordinances prevailing over municipal ordinances.

John Martin, Mayor of Hawthorne and speaking for the League of Cities, was recognized and distributed Resolution 2000-01 (attached) stating support for adding the issue of single-member districts on the November ballot. Mr. Martin stated that his organization supports the issue because it believes that all neighboring districts need to have their own representatives. He recommended that all five County Commissions seats be changed to single member district seats. Mr. Martin also addressed the issue of Home Rule County Ordinances prevailing over municipal ordinances. He believes that commissioners have the best interest of their constituents in mind and do not need the County acting as a “watchdog”. He also stated that the provision is not needed since the County can always communicate their concerns directly to municipalities. Member Martin advised Mr. Martin that the CRC believes that environmental ordinances are not just limited to municipalities but encompasses all levels of government. Therefore, decisions should not be made locally since all areas suffer from the same environmental concerns.

John Hill was recognized and stated that he opposed the empaneling of the CRC more often and he supported single member districting.

Professor Joe Little was recognized and made the following suggestions to amend the proposed language:

1. Adding a comma after the end of the first underlined sentence in section 1.04 related to conflicting environmental ordinances
2. Making the language as plain as possible such as changing the title “commission auditor” to “performance auditor” in section 2.3 relating to the independent auditor amendment.
3. Strikethrough the phrase “and the elected constitutional officer” in section 2.3.
4. Dropping the proposal to strikethrough the sentence “...upon acceptance or rejection of the proposed amendments of revisions by the electors...” in section 4.2 related to home rule charter amendments.

Member Wright questioned Mr. Wagner about the legality of considering the issue of single member districts for public hearing. Dave Wagner advised the CRC that proposed items have to be submitted

to the County Commission 90 days before the general election. He also stated that an additional proposal would extend the public hearing process. Staff was asked whether the CRC could meet its timeline if more public hearings were added. DJ Williams stated that although she did not think so, she could not definitively determine this without additional information. Member Martin said that the CRC had the right to vote on suspending its rules in order to discuss possibilities for adding other proposals on the ballot. After some discussion, a motion was made by Member Martin/Massey to suspend the CRC's voting procedures. The motion failed 4 to 4.

After some discussion, the CRC came to a consensus that the purpose of the public hearings would be only to discuss the proposed four amendment.

A motion was made by Member Glaeser/Peterkin to cancel the meeting on May 23, 2000. The motion passed unanimously.

The public hearing adjourned at approximately 8:10 p.m.

ALACHUA COUNTY LEAGUE OF CITIES

RESOLUTION 2000-01

BEFORE THE LEAGUE OF CITIES

WHEREAS, the Alachua County League of Cities met at a special called meeting on May 16, 2000 at City Hall in Gainesville; and

WHEREAS, the representatives of all the municipalities of Alachua County, Florida, except Alachua and LaCrosse, were represented; and

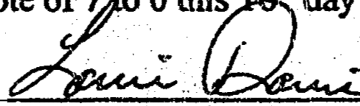
WHEREAS, the representatives of the municipalities of Alachua County, Florida believe it is in the best interest of the people of Alachua County and of their communities to have single member county commission districts; and

WHEREAS, Alachua County has established a Charter Review Committee to recommend changes in the county charter that should be placed before the electors of the county.

NOW, THEREFORE, BE IT RESOLVED by the Alachua County League of Cities as follows:

The Alachua County League of Cities urges the Alachua County Charter Review Committee and the Alachua County Board of County Commissioners to prepare a charter amendment to the Alachua County Charter to establish single member districts for the election of members of the Board of County Commissioners so that electors in one district will vote on only one seat rather than voting on the candidates for all five seats as is permitted presently.

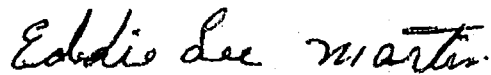
This Resolution was adopted on a motion by Representative Hartzog of Newberry, second by Representative Copeland of Archer on a vote of 7 to 0 this 16th day of May, 2000.



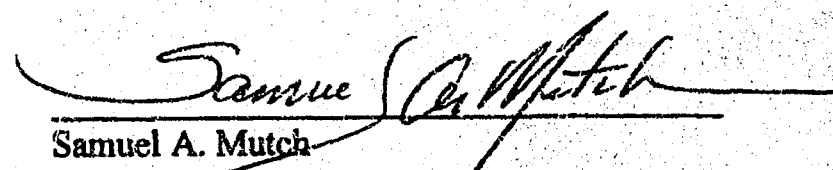
Louie Davis, President

ATTEST:

Approved as to Form and Legality:



Eddie Lee Martin



Samuel A. Mutch

**CHARTER REVIEW COMMISSION
SECOND PUBLIC HEARING
June 1, 2000 @ 6:00 P.M.
JACK DURRANCE AUDITORIUM - ROOM 209**

MEMBERS

PRESENT: K. Richard Blount, Harvey Budd, Edward Crapo, Mitchell Glaeser, Pegeen Hanrahan, Regina Hawkins, Jimmy Massey, William "Clay" Martin, Thomas McKnew, Fredrick Peterkin, Beverly Thomas, Janet Wootten, and Susan Wright.

COUNTY STAFF: -- Dave Wagner (County Attorney), DJ Williams (ATCM), Pauline France (Intern)

OTHERS

PRESENT: George Nickerson (CRC Legal Counsel), Randall Reid (County Manager), Dianne Dubberly, Phyllis Saarinnen, Jim Pendland, Doris Bardon, Olen Barber, Arthur Saarinnen, Jim Konish, Commissioner Robert Hutchinson, and Vinse Manousi.

Summary:

After confirming the quorum, Chair Wootten called the hearing to order at 6:00 p.m. A motion was made by Member Peterkin/Budd to approve the agenda. The motion was passed unanimously.

There was a brief introduction of the newly appointed CRC member, Thomas McKnew.

DJ Williams was recognized for a presentation on the proposed amendments. Language for each of the proposed amendments environmental ordinances prevailing over municipal ordinances, independent auditor, joint planning, and conflicts in the charter was presented.

George Nickerson was introduced and was asked for his comments on the proposed amendments.

Member McKnew stated his concern about the clarification of the proposed amendment language regarding environmental ordinances prevailing over municipal ordinances. He stated that the language does not specify whether or not power could default to municipalities. He also asked to what extent was it legal for the CRC to provide for enforcement of joint planning. Mr. Nickerson replied that the environmental ordinance needed to be better "crafted" and that joint planning could be authorized by Charter, but the issue was still unclear. He also stated that the provision simply makes joint planning available and permissive.

The Chair opened the public hearing.

Jim Konish was recognized. He provided input on the conflicting environmental ordinances issue

and gave the following suggestions:

1. ~~The title needs to reflect language.~~ *The language in the title needs to reflect the content of the ordinance more accurately.*
2. The words "municipal" and "county" need to be in lowercase.
3. The word "ordinance" needs to be plural.
4. Address the issue of enforcement by adding "and be enforceable by the County within municipal boundaries" to the section 1.04 language.

Mr. Randall Reid (County Manager) was recognized and stated his concerns about section 2.3c (Independent performance auditor). He stated that the position was not independent because the individual was to be hired by the County and that the proposed amendment was counter-productive. He said that he speaks as the County Manger whose main responsibility is internal auditing. He also stated that the proposal dilutes the position of the County Manager and conflicts with the "separation of powers" clause in the Charter. He suggested that the auditor could report to the County Manager instead of working independently.

Arthur Saarinen was recognized and urged the CRC to adopt section 1.04 regarding County environmental ordinances prevailing over municipal ordinances proposal. He also stated that section 1.5 on joint planning does not take into account the inadequate communication between the County and the municipalities.

Olen Barber (Mayor of High Springs) was recognized and stressed that wording was very important and clarification was needed in the environmental ordinances proposal. He also stated that he did not know why a prevailing ordinance was needed because municipalities know what is best for their citizens.

Doris Bardon representing Women for Wise Growth was recognized. Ms. Bardon stated her organization's support of the joint planning issue because it would encourage various agencies to work together and County environmental ordinances prevailing over municipal ordinances.

Phyllis Saarinen was recognized and stated her support for the County environmental ordinances amendment proposal.

The public hearing was closed.

Mr. Nickerson stated that he supported the changes suggested by the public concerning the County environmental ordinance amendment and that the CRC needed to discuss the suggestions made by the public so that any necessary changes can be made.

After some discussion, the CRC came to a consensus that the current proposed language was not definite and that further discussion was needed in order to create consistent and clear amendment proposals.

Mr. Reid advised not to submit the proposal for the independent performance auditor because the

Charter is clear on the 'separation of powers" and that two people with the same responsibilities create conflict. Member Budd stated that the performance auditor can be a tool to the County Manager and that the language reads "may" and thus can be debated with the County Commission.

The public hearing adjourned at approximately 7:35 p.m.

**CHARTER REVIEW COMMISSION
THIRD PUBLIC HEARING
June 15, 2000 @ 6:00 P.M.
JACK DURRANCE AUDITORIUM - ROOM 209**

MEMBERS

PRESENT: K. Richard Blount, Harvey Budd, Rodney Estes, Mitchell Glaeser, Pegeen Hanrahan, Regina Hawkins, Thomas McKnew, Beverly Thomas, Janet Wootten, and Susan Wright.

COUNTY STAFF: Dave Wagner (County Attorney), DJ Williams (ATCM), Pauldine France (Intern)

OTHERS

PRESENT: Jim Konish, John Hill, Gladys Lane, John Martin.

Summary:

After confirming the quorum, Chair Wootten called the hearing to order at 6:15 p.m. A motion was made by Member Hawkins/Glaeser to approve the agenda. The motion was passed unanimously after adding discussion of conducting another public hearing after the language is finalized by counsel.

There was a brief introduction of each member of the CRC.

DJ Williams was recognized for a presentation on the proposed amendments. Language for each of the proposed amendments environmental ordinances prevailing over municipal ordinances, independent auditor, joint planning, and conflicts in the charter was presented.

Member McKnew asked for clarification on the joint planning proposed language. Specifically, whether "adjacent to" meant contiguous. There was consensus for George Nickerson (Independent Counsel) to explain whether the "adjacent to" language has limitations.

Member Thomas explained the CRC's study methodology and community outreach regarding the environmental ordinances prevailing over municipal ordinances.

Member Estes stated his concern about county environmental ordinances prevailing over municipal ordinances. He stated that he felt that the proposed amendment would limit the jurisdiction of the municipalities and expressed concern about the County abusing its regulatory powers to the financial detriment of the smaller municipalities.

Member Hanrahan stated that the fears of the municipalities regarding prevailing county environmental ordinances are unfounded. She said that currently there are county ordinances that prevail over municipal ordinances but there are no complaints. She also stated that municipalities are very compliant in general.

The Chair opened the public hearing.

Jim Konish was recognized. He stated his concern about the enforceability of the County environmental ordinances prevailing over municipal ordinances proposed amendment. He reminded the CRC to consider his proposed language such as adding "and be enforceable by the County within municipal boundaries" to the section 1.04 language.

John Hill was recognized. He recommended that the proposed amendment concerning county environmental ordinances prevailing over municipal ordinances be stricken. He also suggested that the county allow the state to regulate air and water since problems concerning them is statewide.

Gladys Lane, representing Women for Wise Growth, was recognized. She stated that her organization supports the proposed amendment because air and water pollution is not limited to municipalities.

John Martin, Mayor of the City of Hawthorne and representing the League of Cities, was recognized. He stated his concern about the future implications and impacts if the proposed county environmental ordinances prevailing amendment passed. He said that municipalities are capable of change. He proposed that if a municipal ordinance was stricter than that of the county, then municipal ordinances should prevail over the county ordinance.

After extensive discussion, the CRC concluded that George Nickerson's expertise was needed and that further discussion of the proposed amendments would occur at its next meeting.

The public hearing was closed.

A motion was made by Member Glaeser/Hawkins to temporarily select Member Budd as Chair (upon Chair Wooten leaving the meeting and in the absence of the first and second vice-chair). The motion passed unanimously.

There was discussion regarding scheduling a fourth public hearing to consider the final ballot language. After some discussion, this item was deferred to the June 27, 2000.

The public hearing adjourned at approximately 7:45 p.m.

Sub-Committee Meetings
MINUTES

**ALACHUA COUNTY CHARTER REVIEW COMMISSION
RULES SUBCOMMITTEE
NOVEMBER 16, 1999 MEETING - 6:00 P.M.
GRACE KNIGHT CONFERENCE ROOM**

**MEMBERS
PRESENT:** R. Estes, C. Martin, F. Peterkin, M. Stowe and Susan Wright

COUNTY STAFF: DJ Williams (Staff Liaison)

**OTHERS
PRESENT:** various individuals

Summary:

After confirming a quorum, the meeting was called to order at approximately 6:00 p.m. by Member Wright and it was the consensus that Member Wright would serve as Chair of the Subcommittee. Member Wright stated that the purpose of the meeting was to decide upon a procedure for placing items on the ballot. She then recognized those individuals in attendance.

Member Martin distributed a proposed procedures document (copy attached) which was prepared to facilitate and expedite discussion. Member Martin explained the different components of the document. Based upon the discussion which followed, various amendments were made to the document. In summary, the steps involved include - compiling a list of all ideas submitted to the CRC through December 31, 1999, determination whether issues should be studied, discussion of issues, issue review, development of position statements, discussion, final position statement, drafts of language from individual members, weighted vote (ranking of proposals), legal counsel to draft language and final vote for public hearings. There was consensus that Chair Wright would revised the document and transmit to DJ Williams for distribution to members.

The meeting adjourned at approximately 7:28 p.m.

Procedures for the Alachua County Charter Review Commission

Article 1. Idea Exploration

Section 1.01 The Charter Review Commission (CRC) shall accept issues, ideas, and items regarding amending the Alachua County Charter from CRC members, the public, and any other interested parties at all times prior to submitting its final report to the Alachua County Board of County Commissioners for placement on the 2000 General Election ballot.

Section 1.02 The CRC shall compile a list of all ideas submitted pursuant to Article 1, Section 1.01.

Article 2. Narrowing the Ideas

Section 2.01 The CRC may, by a majority vote of the CRC members present at a duly noticed CRC meeting following a proper motion and second, designate an issue, idea, or item, or combination or melding thereof, from the list compiled pursuant to Article 1, Section 1.01 for further discussion, or research on its legal merits by the CRC.

Section 2.02 No issue, idea, or item regarding the substance of the Charter may be placed on a CRC agenda for discussion by the CRC, or researched on its legal merits by CRC staff unless said issue, idea, or item has been affirmatively approved for discussion or research pursuant to Article 2, Section 2.01.

Section 2.03 It is the intent of this Article to focus the discussion of the CRC by initially deciding if there is an interest in further discussion or legal research of an issue, idea, or item. Action by a member of the CRC under this Article shall not necessarily imply support for or against the merits of any issue, idea, or item.

Article 3. Submitting an Item for Final Ballot Approval

Section 3.01 Only issues, ideas, or items discussed following approval under Article 2 shall be eligible for consideration for final ballot approval by the CRC.

Section 3.02 All issues, ideas, or items submitted by a member of the CRC for final ballot approval by the full CRC shall be in writing.

Section 3.03 Only a CRC member may submit an issue, idea, or item for final ballot approval by the CRC.

Section 3.04 *A CRC member submitting a written issue, idea, or item for final ballot approval by the CRC shall submit said written issue, idea, or item to the CRC at a duly noticed CRC meeting no less than seven (7) calendar days prior to the CRC acting on a properly made motion and second to place the written submission on the ballot.*

Section 3.05 *The CRC shall not consider any issue, idea, or item for final ballot approval unless and until said issue, idea, or item has, in its final, complete, and written form, been in the public records of the CRC for no less than seven (7) calendar days.*

Section 3.06 *Submission of a written issue, idea, or item to the public record of the CRC shall be deemed to have occurred when both the Chairperson of the CRC, and the designated county staff assistant to the CRC have received said written issue, idea, or item during the course of a properly noticed meeting of the CRC.*

Section 3.07 *A written submission considered by the CRC pursuant to this Article shall not be placed on the ballot unless more than one-half of the members present at a CRC meeting voting in the affirmative to place the written submission on the ballot.*