

ALACHUA COUNTY CHARTER REVIEW COMMISSION

CRC RESOLUTION 2020-05

A RESOLUTION OF THE ALACHUA COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE ALACHUA COUNTY HOME RULE CHARTER REMOVING UNCONSTITUTIONAL PROVISIONS; PROVIDING FOR A REFERENDUM ELECTION TO BE CALLED BY THE BOARD OF COUNTY COMMISSIONERS ON SUCH CHARTER AMENDMENT TO BE HELD AT THE NOVEMBER 2020 GENERAL ELECTION; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR TRANSMITTAL OF THIS RESOLUTION TO THE BOARD OF COUNTY COMMISSIONERS AND THE SUPERVISOR OF ELECTIONS; PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, in accordance with Section 4.2(B) of the Alachua County Charter, after three (3) public hearings on a proposed charter amendment at intervals of not less than ten (10) days nor more than twenty (20) days, and thereafter by a favorable vote on a proposed charter amendment by at least seven (7) of the twelve (12) members of the Alachua County Charter Review Commission (“Charter Review Commission”), the Charter Review Commission may deliver the proposed charter amendment to the Board of County Commissioners for submittal to the electorate for adoption; and

WHEREAS, the Charter Review Commission held public hearings on the proposed charter amendment set forth herein on Wednesday, May 13, 2020, Wednesday, May 27, 2020, and Wednesday, June 10, 2020; and

WHEREAS, after holding such public hearings, this Resolution and the proposed charter amendment set forth herein were approved by at least seven (7) of the twelve (12) members of the Charter Review Commission; and

WHEREAS, for purposes of this Resolution, underlined type shall constitute additions to the original text, *** shall constitute ellipses to the original text, and ~~strikethrough~~ shall constitute deletions to the original text.

NOW, THEREFORE, BE IT RESOLVED BY THE ALACHUA COUNTY CHARTER REVIEW COMMISSION, AS FOLLOWS:

SECTION 1. FINDINGS OF FACT. The foregoing recitals are true and correct and by this reference are hereby incorporated herein and made an integral part hereof as though fully set forth herein, and adopted as findings of the Alachua County Charter Review Commission.

SECTION 2. ADOPTION OF PROPOSED CHARTER AMENDMENT. The Charter Review Commission hereby adopts the proposed charter amendment attached hereto as Exhibit “A”, and hereby requests and directs, pursuant to Section 4.2(B) of the Charter, that the Board of County Commissioners, by resolution, place such amendment on the November 2020 General Election ballot. The ballot title and ballot summary for the referendum to be held on such amendment shall be as set forth in Exhibit “A”.

SECTION 3. TRANSMITTAL TO THE BOARD OF COUNTY COMMISSIONERS AND SUPERVISOR OF ELECTIONS. The Chair of the Charter Review Commission is directed to transmit a true copy of this resolution to the Board of County Commissioners, and to the Alachua County Supervisor of Elections, no later than close of business on June 12, 2020.

SECTION 4. SEVERABILITY. The provisions of this Resolution are deemed severable. In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Resolution is for any reason whatsoever held to be invalid, illegal, unconstitutional, contrary to law, or against public policy, by any court, administrative agency, or other body with competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this Resolution shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this Resolution, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this Resolution, which shall remain in full force and effect. This Resolution shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this Resolution as expressed herein.

SECTION 5. CONFLICTS. All resolutions or other actions of the Charter Review Commission in conflict with this Resolution are hereby repealed to the extent of such conflict.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption by at least seven (7) members of the Charter Review Commission.


ADOPTED this 10th day of June, 2020.

Alachua County Charter Review Commission

Approved as to Legal Form:



Wade Vose, General Counsel



Penny Wheat, Chair

RECORD OF VOTE

BERNAL	<u>Y</u>	LITTLE	<u>Y</u>
BLOUNT	<u>Y</u>	RICHARDSON	<u>Y</u>
CAMIL	<u>Y</u>	ROBBINS	<u>Y</u>
INGLE	<u>Y</u>	THOMPSON	<u>Y</u>
KLEIN	<u>Y</u>	WHEAT	<u>Y</u>
KUMAR	<u>Y</u>	YOUNG	<u>Y</u>

Exhibit “A”

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

COUNTY CHARTER CLEANUP AMENDMENT
REMOVING UNCONSTITUTIONAL
PROVISIONS

Shall the Alachua County Charter be amended to remove two unconstitutional provisions, one unconstitutionally prohibiting protections based on sexual orientation, sexual preference, or similar characteristics, and another imposing unconstitutional residency requirements for Alachua County Commission candidate qualifying?

___ Yes
___ No

Ballot Language Translation: The Spanish language translation for the ballot title and ballot summary for the aforementioned question are as follows:

ENMIENDA DE LIMPIEZA DE LA CARTA
ORGÁNICA DEL CONDADO ELIMINANDO
DISPOSICIONES INCONSTITUCIONALES

¿Deberá enmendarse la Carta Orgánica del Condado de Alachua para eliminar dos disposiciones inconstitucionales; una que prohíbe inconstitucionalmente las protecciones basadas en orientación sexual, preferencia sexual o características similares, y otra que imponga requisitos inconstitucionales de residencia para la calificación de candidatos a la Comisión del Condado de Alachua?

___ Sí
___ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Alachua County Charter are amended to read as follows:

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 that office, and d~~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.

...

- (D) Authority. The board of county commissioners shall exercise all legislative authority provided by this home rule charter in addition to all other powers and duties authorized by general law or special law approved by a vote of the electorate. ~~Provided, the board of county commissioners shall not adopt any ordinance creating classifications based upon sexual orientation, sexual preference, or similar characteristics, except as necessary to conform county ordinances to federal or state law.~~