



## Agenda Item Summary

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**File #: 24-00496**

**Agenda Date: 6/11/2024**

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**Agenda Item Name:**

**Board-Initiated Charter Amendment: Ordinance Adoption Public Hearing**

**Presenter:**

Sylvia E. Torres, County Attorney

**Description:**

The Board directed the County Attorney to set an ordinance for hearing which would add a referendum question to the November ballot regarding returning to at-large voting for all county commission members.

**Recommended Action:**

Adopt ordinance placing a referendum question on the November 2024 ballot which would, if approved by the majority of qualified electors of Alachua County voting in the referendum, amend the charter to return to at-large voting for all county commission members. (Affirmative vote requires majority plus one commissioner voting Aye.)

**Prior Board Motions:**

April 9, 2024 Regular Board meeting: refer to staff the ballot initiative to return to at large districts. Staff to bring information by the May meeting to have it on the 2024 election.

May 11, 2024 Regular Board meeting: authorize advertisement of the included ordinance for public hearing to consider the placement of a referendum question on the November 2024 ballot which would, if approved by the majority of qualified electors of Alachua County voting in the referendum, amend the charter to return to at-large voting for all county commission members.

**Fiscal Note:**

Cost related to advertising required is available in account 001.03.0300.514.49.04

**Strategic Guide:**

Other Mandatory and Discretionary Services

**Background:**

Since its adoption in 1986 (effective January 1, 1987) and until 2022, the Alachua County Home Rule Charter contained provisions for at large voting for county commission members, per the language below.

Sec. 2.2.(A), Alachua County Home Rule Charter (former)

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.

In 2022, Committee Substitute for House Bill 1493 (Clemmons), attached (*Ex. 1. HB1493(2002).pdf*) called for a referendum election to be held on November 8, 2022 (the 2022 General Election) to consider the amendment of the Alachua County Charter to provide for county commissioner elections in single-member districts. The referendum ballot measure received an affirmative vote of the majority qualified electors voting in the referendum (45,736 votes for yes and 43,179 votes for no). See attached 2022 certified election results (*Ex. 2. Official Results GEN22.pdf*). The charter was therefore amended, by law, consistent with the House Bill language, effective immediately upon certification of the vote. The Charter now reads:

Sec. 2.2.(A), Alachua County Home Rule Charter (former)

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 by the qualified electors of that district ~~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.

During its April 9, 2024 Regular Board of County Commissioners meeting, certain members of the public requested that a referendum question be placed on the November 2024 ballot that would, if approved by the majority of qualified electors of Alachua County voting in the referendum, return this Charter provision to the pre-2022 language. The Board directed staff to return to it in May with information regarding implementing that request.

At the direction of the Board, the County Attorney's Office prepared a memorandum in 2022 detailing options for presenting a referendum to the electorate amending the Alachua County Charter on the November 2024 general election ballot. In consultation with the Supervisor of Elections, the memorandum has been updated with a new deadline for providing the referendum ordinance to the Supervisor of Elections (June 15, 2024). The updated memorandum is attached (*Ex. 4. At-large charter referendum ordinance.pdf*).

The County Attorney noticed this hearing on both the County's on-line notice Legal Notice page (<https://alachuacounty.us/Pages/public-notices.aspx>) and in a newspaper of general circulation. Adoption of the ordinance must be by at least the majority plus one voting in the affirmative.

Attached to this agenda item are:

- CS/HB 1493 (2022) - *Ex. 1. HB1493(2002).pdf*
- 2022 Certified Election Results - *Ex. 2. Official Results GEN22.pdf*
- Updated County Attorney memorandum, entitled "Methods for Amending the Alachua County Charter in 2024" – *Ex. 3. Charter Amendment Memo – Update.pdf*
- Draft Ordinance for Board consideration with referendum question language – *Ex. 4. At-large*

