

ALACHUA COUNTY CHARTER REVIEW COMMISSION

CRC RESOLUTION 2020-01

A RESOLUTION OF THE ALACHUA COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE ALACHUA COUNTY HOME RULE CHARTER ESTABLISHING A COUNTY GROWTH MANAGEMENT AREA; 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". The CRC General Counsel and the CRC Liaison are directed to see that a true and correct copy of the "County Growth Management Area Map" dated June 12, 2020 attached hereto as Exhibit "B" is placed on file in the official records of the Clerk of the Board of County Commissioners no later than close of business on June 12, 2020.

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>N</u>
INGLE	<u>Y</u>	THOMPSON	<u>Y</u>
KLEIN	<u>N</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 AMENDMENT
ESTABLISHING COUNTY GROWTH
MANAGEMENT AREA

Shall the Alachua County Charter be amended, effective countywide, to establish a County Growth Management Area (“Area”), provide that the County’s comprehensive plan and land development regulations will exclusively govern land development in the Area, whether inside or outside municipal boundaries, authorize implementing ordinances, provide for removal of lands from the Area, and provide that the charter and implementing ordinances shall prevail over conflicting municipal ordinances?

_____ Yes
_____ No

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

ENMIENDA A LA CARTA ORGÁNICA DEL
CONDADO ESTABLECIENDO EL ÁREA DE
ADMINISTRACIÓN DE CRECIMIENTO DEL
CONDADO

¿Deberá enmendarse la Carta Orgánica del Condado de Alachua, efectiva en todo el condado, para establecer un Área de Administración del Crecimiento del Condado ("Área"), estipular que el plan integral del Condado y las regulaciones de desarrollo de la tierra regirán exclusivamente el desarrollo de la tierra en el Área, ya sea dentro o fuera de los límites municipales, autorizar las ordenanzas de implementación, proveer para la remoción de tierras del Área y establecer que la carta orgánica y las ordenanzas de implementación prevalecerán sobre las ordenanzas municipales en conflicto?

_____ 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. 1.4. - Relation to municipal ordinances.

Except as otherwise provided by this charter, 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.

Sec. 1.5. - Land use planning.

A. Except as provided in Section 1.5(B), 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. County Growth Management Area

(1) There is hereby established a County Growth Management Area, initially consisting of all those lands so designated on that certain map titled "County Growth Management Area Map" dated June 12, 2020, which is on file in the official records of the clerk of the board of county commissioners. The board of county commissioners may, by ordinance approved by affirmative vote of no less than four commissioners, remove lands from the County Growth Management Area.

(2) After the effective date of this subsection, the comprehensive plan and land development regulations of Alachua County shall exclusively govern the development of lands lying within the County Growth Management Area, regardless of whether some or all of the lands lying within the County Growth Management Area are located or subsequently annexed into a municipality.

(3) The board of county commissioners may enact ordinances to implement this subsection. This subsection and any implementing county ordinances shall prevail over conflicting municipal ordinances.

- (4) Pursuant to Section 4.2(D), the charter amendment effectuating this subsection is expressly declared to be effective county-wide, and the proposing charter review commission has determined that such county-wide amendment fulfills an important county purpose.

Exhibit “B”

County Growth Management Area Map
Dated June 12, 2020

(On following page)

County Growth Management Area Map

Dated June 12, 2020

