

ALACHUA COUNTY CHARTER REVIEW COMMISSION

CRC RESOLUTION 2020-04

A RESOLUTION OF THE ALACHUA COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE ALACHUA COUNTY HOME RULE CHARTER ESTABLISHING AN ALACHUA COUNTY AFFORDABLE HOUSING TRUST FUND; 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>N</u>
BLOUNT	<u>A</u>	RICHARDSON	<u>Y</u>
CAMIL	<u>N</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>N</u>

Exhibit “A”

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

COUNTY CHARTER AMENDMENT
ESTABLISHING ALACHUA COUNTY
AFFORDABLE HOUSING TRUST FUND

Shall the Alachua County Charter be amended to establish an Alachua County Affordable Housing Trust Fund used to create and sustain affordable housing, which may be funded by fees from new commercial and residential development and other sources, all as directed by the County Commission, and to provide for the purposes, revenue sources, appropriation and expenditure of funds, annual audit, continuing nature, implementation by ordinance, and administration and oversight of the Trust Fund?

_____ 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 FONDO
FIDUCIARIO DE VIVIENDA ASEQUIBLE DEL
CONDADO DE ALACHUA COUNTY

¿Deberá enmendarse la Carta Orgánica del Condado de Alachua para establecer un Fondo Fiduciario de Vivienda Asequible del Condado de Alachua utilizado para crear y mantener viviendas asequibles, que pueden ser financiadas por tarifas de nuevos desarrollos comerciales y residenciales y otras fuentes, de acuerdo a lo indicado por la Comisión del Condado, y para prever los fines, fuentes de ingresos, apropiación y gasto de fondos, auditoría anual, naturaleza continua, implementación por ordenanza y administración y supervisión del Fondo Fiduciario?

_____ 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. 1.8.¹ – Alachua County Affordable Housing Trust Fund.

- (A) Alachua County Affordable Housing Trust Fund established. The Alachua County Affordable Housing Trust Fund ("Trust Fund") is hereby established.
- (B) Purposes of Trust Fund. The purpose of the Trust Fund is to provide a continuing, non-lapsing fund for the Alachua County Commission to use to address the need for affordable housing within Alachua County. The Trust Fund will be used to create and sustain affordable housing throughout Alachua County for renters and homeowners, and increase workforce housing opportunities.
- (C) Revenue sources. The Trust Fund established under this section shall be funded as directed by the County Commission, and may be comprised of the following sources:
- (1) Alachua County General Revenue appropriated to the Trust Fund by the County Commission as part of the annual budget;
 - (2) Funds voluntarily contributed by municipalities that may elect to participate in the Trust Fund and programs funded by the Trust Fund;
 - (3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;
 - (4) Mandatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to the development policies established by ordinance; and
 - (5) Other sources as established by ordinance.
- (D) Continuing Nature of Trust Fund. Unless otherwise provided by ordinance or required by applicable law, unspent portions of the Trust Fund established under this Section, repayments of principal and interest on loans provided from the Trust Fund, and interest earned from the deposit or investment of monies from the Trust Fund:
- (1) Shall remain in the Trust Fund, to be used exclusively for the purposes of the Trust Fund;
 - (2) Do not revert to the general revenues of the County; and
 - (3) Any appropriations do not lapse.
- (E) Administration and Oversight of Trust Fund. The Trust Fund shall be administered, appropriated, and expended by the County Commission in a manner consistent with the purposes of the Trust Fund as set forth in this section. The Trust Fund shall be administered in a manner that allows the

¹ In the event another charter amendment adding a Section 1.8 to the Alachua County Charter is approved at referendum on this ballot, this section shall be numbered Section 1.9.

Trust Fund to leverage other sources of public funds and private investment.
The Trust Fund shall be included in the annual audit.

- (F) *Implementation by Ordinance.* No later than July 1, 2021, the County Commission shall adopt one or more ordinances implementing the provisions of this section, which ordinances may be amended from time to time by the County Commission consistent with the provisions of this section.