

RESOLUTION NO. 92 - 191

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY REQUIRING AN ELECTION TO BE HELD ON NOVEMBER 8, 1994 TO DETERMINE WHETHER OR NOT TO RETURN THE BOARD OF COUNTY COMMISSIONERS BACK TO A FIVE MEMBER BOARD ELECTED AT LARGE.

BE IT RESOLVED, THIS 10th DAY OF NOVEMBER, 1992,
BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
as follows:

Section 1. The Board of County Commissioners of St. Johns County, Florida, hereby finds, determines and declares the following:

- A. From 1946 to 1990 the Board of County Commissioners of St. Johns County, Florida (the "Board") was composed of 5 members who resided one in each of the 5 county commission districts and who were elected "at large" countywide.
- B. In 1990, by previous vote of the electorate, the Board was changed to a 7 member Board with 5 of the 7 commissioners to reside one in each of 5 county commission districts (the 5 districts together covering the entire county in the manner provided by law) and to be elected only by qualified electors who reside in the same district and with 2 of the 7 commissioners to be elected "at large" countywide.

- C. The Board believes that many electors of St. Johns County now favor a return to the 5 member board of county commissioners elected "at large" countywide.
- D. Issues such as ad valorem taxation, beach driving and public nudity are "countywide" in nature. The vote of each "single member district" county commissioner can and often does effect the life and/or property of every citizen "countywide" within the county.
- E. Single member districts prevent approximately 4/5 of the citizens of the county from voting for or against any given person who runs for the office of county commissioner in a single member county commission district. This unnecessarily prevents approximately 80% of the citizens of the county from voting on a county commissioner whose vote can and does impact their lives and property.
- F. Currently, a St. Johns County voter may only vote for 3 of the 7 county commissioners; the voter's single member district commissioner and the two at large commissioners. Under the present election system the voter is not allowed to vote for even a bare majority of the county commissioners whose votes effect their lives and the zoning within the voter's district.

- G. In 1992 the Board established a goal to reduce or downsize county government. The citizens of St. Johns County overwhelming support that goal.
- H. A return from a 7 member board of county commissioners to a 5 member board of county commissioners will save the taxpayers approximately \$300,000 in salary and benefits every four years (the length of a county commission term). It will also reduce the amount of time that county staff must now spend consulting with and assisting two extra county commissioners.
- I. It is appropriate that, after experiencing single member county commission districts through two elections (1990 and 1992) that the people be given the opportunity in 1994 to determine whether there is a need or benefit to continue such single member county commission districts. This can be done by providing the citizens of the County with the opportunity to vote on whether or not to return to the 5 member "at large" board of county commissioners with each member residing in a different district.
- J. It is also appropriate that St. Johns County not return to such 5 member "at large" board of county commissioners if such return imposes an election procedure that discriminates against individuals on

account of race or color. The following factors pertain to St. Johns County:

- i) By countywide "at large" elections in 1984 and 1988, the voters of St. Johns County, Florida elected a black person to be the Superintendent of Schools for St. Johns County. By single member district election in 1992, the voters elected a black person to the School Board.
- ii) By a single member district election in 1990 the voters elected a black person to the Board of County Commissioners.
- iii) By citywide "at large" elections in St. Augustine, Florida, the largest city within St. Johns County, the voters of St. Augustine, Florida in 1973, 1983, 1985, 1988 and 1990 elected a black person to their 5 member city council.
- iv) The 1990 census shows that the population of the City of St. Augustine is approximately 25.8% black.
- v) The 1990 census shows that the population of St. Johns County is approximately 8.7% black.
- vi) Based on the 1990 census the approximate percentage of black persons currently residing in each of the 5 non countywide county commission districts is 2.4% (District

- 1), 37.1% (District 2), 1.9% (District 3), 0.8% (District 4), and 1.8% (District 5).
- vii) Based on the 1990 census the current population of the 5 non countywide county commission districts is approximately 16,465 (District 1), 16,658 (District 2), 16,896 (District 3), 17,141 (District 4), and 16,669 (District 5).
- viii) Based on the 1990 census the approximate percentage of black registered voters currently residing in each of the 5 non countywide county commission districts is 1.2% (District 1), 35.7% (District 2), 1.3% (District 3), 0.5% (District 4) and 0.7% (District 5).
- ix) Based on the 1990 census the approximate percentage of voting age blacks currently residing in each of the 5 non countywide county commission districts is 2.4% (District 1), 34.5% (District 2), 1.8% (District 3), 0.6% (District 4) and 1.2% (District 5).
- x) The current district boundaries were established in 1991 by unanimous vote of this Board, which consists of one black male, two white females and four white males.
- xi) There does not appear to be any reasonably compact five district boundary configuration

that can be formed in the county that would eliminate the need for blacks to form coalitions with other racial groups - whether within a single member district or within a countywide "at large" district - in order to elect a given county commissioner.

xii) The mere returning from the recently installed five single member - two at large - board of county commissioners back to the long established 5 member board of county commissioners, with each member residing in a separate district and elected "at large" countywide, will not have the effect of discriminating against individuals on account of race or color.

K. It is in the best interests of St. Johns County that the electorate be given the opportunity to vote on whether to return the Board to a 5 member board of county commissioners, with each member residing in a separate district (the 5 districts together covering the entire county in the manner provided by law) and elected "at large" countywide.

Section 2. The Board of County Commissioners of St. Johns County, Florida, hereby directs the following proposition to be placed on the ballot at the 1994 general election which is scheduled for November 8, 1994:

WHETHER TO RETURN THE COUNTY COMMISSION
BACK TO A FIVE MEMBER BOARD ELECTED AT LARGE.

Shall the Board of County Commissioners of St. Johns County, Florida, be returned from a seven member board to a five member board, with each board member to reside in a different district and with each board member to be elected countywide by all electors within the county at large.

_____ YES

_____ NO

Section 3. In the event a majority of the qualified electors voting on the above proposition approves such proposition, then, and in that event, the membership of the Board of County Commissioners of St. Johns County, Florida, shall be returned from seven commissioners to five commissioners, with each commissioner to reside in a different district and with each commissioner to be elected countywide by all electors within the county at large. The five districts shall together cover the entire county in the manner provided by law. The return from a seven member board of county commissioners to a five member board of county commissioners shall be accomplished in the following manner:

A. All county commissioners who were elected at or prior to the November 1994 general election shall serve their full terms.

B. The county commissioner for countywide county commission district B shall be elected to only a two year term by the 1996 general election. This will result in the term of the countywide county commissioner of district A and the term of the

countywide county commissioner of district B both expiring in 1998.

C. Countywide county commission district A and countywide county commission district B shall both cease to exist immediately upon the expiration of the terms of the countywide county commissioners of districts A and B whose terms expire in 1998. No person shall be elected as a county commissioner for countywide district A or countywide district B at or by the 1998 general election.

D. Commencing immediately prior to the 1998 elections, the two single member county commission districts wherein the four year terms of the existing county commissioners for such districts are scheduled to end in 1998 will become countywide districts. The county commissioners elected for each such district in 1998 and thereafter shall be elected countywide to four year terms by all electors within the county at large.

E. Commencing immediately prior to the 2000 elections, the three county commission districts wherein the four year terms of the existing county commissioners for such districts are scheduled to end in 2000 will become countywide districts. The county commissioners elected for each such district in 2000 and thereafter shall be elected countywide to four year terms by all electors within the county at large.

Section 4. The Clerk of the Circuit Court, ex-officio Clerk of the Board of County Commissioners of St. Johns County, Florida (the "Clerk") shall prepare and give notice of the county commission composition referendum by causing a copy of a notice

substantially in the form attached hereto as Exhibit A to be published at least twice, once in the fifth (5th) week and once in the third (3rd) week prior to the week in which the county commission composition referendum is to be held, in the St. Augustine Record, a newspaper of general circulation in the County, the first publication to be not less than thirty (30) days prior to the date of the county commission composition referendum. The Clerk shall secure from the publisher of said newspaper an appropriate affidavit of proof that such notice has been duly published as herein provided, and said affidavit of proof shall be filed in the minutes of the Board of County Commissioners of St. Johns County. The Clerk shall cause copies of this resolution to be timely placed at the locations described in the Exhibit A notice.

Section 5. The officials responsible for the canvass of the general election shall also canvass the returns of the county commission composition referendum and shall certify the same to the Board. The finding and declaration of results shall be recorded in the minutes of the Board. Failure to fully comply with this section 5 shall not adversely effect the validity or effect of this resolution or the election.

Section 6. The Supervisor of Elections shall certify the results of the county commission composition referendum to the Florida Department of State.

Section 7. The Clerk is directed to immediately forward a certified copy of this Resolution to Penny Halyburton, Supervisor of Elections of St. Johns County, Florida.

Section 8. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, phrase, clause, sentence or paragraph hereof.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: *J. B. Bill*
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: *Patricia DeGrand*
Deputy Clerk

EXHIBIT A

NOTICE OF AN ELECTION REFERENDUM
PERTAINING TO THE COMPOSITION OF THE
COUNTY COMMISSION OF ST. JOHNS COUNTY
TO BE HELD IN ST. JOHNS COUNTY, FLORIDA
ON NOVEMBER 8, 1994.

NOTICE IS HEREBY GIVEN THAT AN ELECTION REFERENDUM will be held on the 8th day of November, 1994, in St. Johns County, Florida, for the purpose of determining whether or not the Board of County Commissioners of St. Johns County, Florida, shall be returned from a seven member board to a five member board, with each board member to reside in a different district and with each board member to be elected countywide by all electors within the county at large; all in the manner and as described in St. Johns County resolution no. 92-___.

Copies of the resolution may be obtained at:

Main Library 1960 Ponce de Leon Blvd. St. Augustine, FL 32084	Reference Department
Hastings Library 6150 S. Main Street Hastings, FL	Circulation Desk
Northwest Library 445 SR 13 N Suite #13	Circulation Desk
Ponte Vedra/Palm Valley Library 5430 E. Palm Valley Road Ponte Vedra Beach, FL	Circulation Desk
Northwest Courthouse Branch 1721 Racetrack Road Mills Field Julington Creek	Front Desk
County Agricultural Center 3125 Agricultural Center Drive St. Augustine, Fl	Front Desk

Exhibit A
Page 1

County Courthouse
99 Cordova St.
St. Augustine, FL

Information Desk

County Administration Bldg.
4020 Lewis Speedway
St. Augustine, FL

Clerk's Office

The times and places for voting on the county composition commission referendum shall be the same as the times and places for voting in the general election held in St. Johns County that day, and the polls will be open at the voting places on the date of said election from 7:00 A.M. until 7:00 P.M.

All qualified electors residing within St. Johns County shall be entitled and permitted to vote on such county commission composition referendum.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____
Clerk

Exhibit A
Page 2