

RESOLUTION NO. _____

PASSED _____

A Resolution of the City Commission of the City of Gainesville, Florida opposing Amendment 4 to the Florida Constitution, commonly known as the "Florida Hometown Democracy" initiative, that would require a voter referendum prior to local government adoption of a comprehensive plan or comprehensive plan amendment; providing directions to the Clerk of the Commission; and providing an immediate effective date.

WHEREAS, pursuant to the requirements of State law, the City of Gainesville has adopted a Comprehensive Plan as a growth management tool used to help identify and carry out the City's long-range planning goals for the community; and

WHEREAS, the City Commission recognizes the importance of public input through neighborhood meetings and public hearings as an efficient and economically effective means for interested and affected citizens to have a voice in the comprehensive planning process; and

WHEREAS, prior to adoption of a comprehensive plan amendment, the Land Development Code of the City of Gainesville requires numerous opportunities be provided for public input, including a mandatory neighborhood workshop, written notice by newspaper, posted notice at the property and, in some instances, mailed notice to surrounding property owners. In addition, a comprehensive plan amendment also requires, in most instances, three local public hearings and review by the State Department of Community Affairs; and

WHEREAS, the City Commission values public input from its citizens during the process of reviewing and adopting its Comprehensive Plan and all amendments thereto; and

WHEREAS, by citizen initiative a proposed amendment to the State of Florida Constitution (“Amendment 4”) will appear on the November 2010 ballot and, if approved, would require voter referendum before the City can adopt any comprehensive plan or plan amendments; this would appear to include large scale or small scale amendments to the future land use map, text changes to the plan, and even to amendments that merely correct scrivener’s errors; and

WHEREAS, the City Commission believes that Amendment 4, if passed, would have significant negative impacts on local government and the local economy, including, but not limited to, increases in costs due to the requirement to conduct referenda, additional delay in development and real estate related activities, uncertainty in interpretation and processes that are likely to result in costly litigation, and the reduction of complex and technical comprehensive planning matters to sound bites and slogans that are likely to be decided by a vocal minority (either for or against) rather than being decided by the elected representatives of the entire community;

WHEREAS, given these significant negative impacts, the City Commission finds that the passage of Amendment 4 would be detrimental to the orderly comprehensive planning and development of the City and not in the best interest of the community; and

WHEREAS, the City Commission believes that any problems with the comprehensive planning process should be addressed at a local level or with amendments to state law, such as limiting the frequency of plan amendments or requiring additional mandated public hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. The City Commission of the City of Gainesville opposes proposed

Amendment 4 to the State of Florida Constitution that requires a voter referendum prior to adoption of a local comprehensive plan or comprehensive plan amendment.

Section 2. The Clerk of the Commission is authorized and directed to send copies of this Resolution to the members of the Alachua County Legislative Delegation, the Governor, the President of the Florida Senate, the Speaker of the Florida House, the Florida League of Cities, the Alachua County League of Cities, all cities in Alachua County, Florida, and the Board of County Commissioners of Alachua County, Florida.

Section 3. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2010.

Craig Lowe
Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon,
Clerk of the Commission

Marion J. Radson
City Attorney