RESOLUTION 98-09

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY CALLING A SPECIAL ELECTION AT WHICH A REFERENDUM SHALL BE HELD TO DETERMINE WHETHER THE COUNTY CHARTER PROPOSED BY THE ST. JOHNS COUNTY CHARTER COMMISSION SHALL BE ADOPTED

BE IT RESOLVED THIS 13th DAY OF JANUARY 1998, 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 (the "Board), hereby finds, determines and declares the following:

   A. Pursuant to Sections 125.60 - 125.64, Florida Statutes, the Board appointed a Charter Commission known as the St. Johns County Charter Commission; and

   B. The Charter Commission conducted a comprehensive study of the operation of St. Johns County government and of the ways in which the conduct of St. Johns County government might be improved or reorganized; and

   C. The Charter Commission held three public hearings on a proposed charter for the county, at the times required by law, and incorporated all amendments it deemed desirable; and

   D. On January 6, 1998 the Charter Commission submitted its proposed charter to the Board by delivery to the Chairman of the Board, with copies delivered to the County Administrator and the County Attorney; and

   E. On January 13, 1998 the Board, during its regular Board meeting, received the proposed charter; and

   F. Section 125.64, Florida Statutes, requires the Board to call a special election to be held not more than 90 nor less than 45 days subsequent to the Board's receipt of the proposed charter at which election a referendum shall be held to determine whether the proposed charter shall be adopted; and

   G. Section 100.151, Florida Statutes, provides that the Board may not call any special election until notice is given to the Supervisor of Elections and her consent has been obtained as to a date when the registration books can be available; and

   H. Penny Halyburton, the Supervisor of Elections of St. Johns County, Florida, has been given the required notice and has consented to Tuesday, March 31, 1998, as a date when the registration books can be available.
Section 2. The Board of County Commissioners of St. Johns County, Florida, hereby calls a special election to be held on Tuesday, March 31, 1998 at which special election a referendum of the qualified electors of St. Johns County, Florida, shall be held to determine whether the county charter that was submitted to the Board of County Commissioners by the Charter Commission shall be adopted. The Board hereby directs the Supervisor of Elections of St. Johns County, Florida, to hold and conduct a referendum election on such date with the following proposition to be placed on the ballot:

St. Johns County Charter.

Shall the proposed St. Johns County Home Rule Charter approved by resolution of the St. Johns County Charter Commission adopted January 5, 1998, changing the County from a home rule non-charter county to a home rule charter county to be governed in the manner and with the powers and limitations provided in said Charter, said Charter to be amended or repealed only upon vote of the electors of St. Johns County, be adopted?

_____ YES

_____ NO

Section 3. 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 charter 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 charter 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 charter 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 and the proposed county charter to be timely placed at the locations described in the Exhibit A notice.

Section 4. The officials responsible for the canvassing of general elections shall canvass the returns of the county charter 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 comply with this Section 4 shall not adversely effect the validity or effect of this resolution or the election.

Section 5. The Supervisor of Elections shall certify the results of the county charter referendum to the Florida Department of State.

Section 6. 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 7. 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, State of Florida, this 13th day of January, 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: Leonae Carter
Deputy Clerk
EXHIBIT A

NOTICE OF AN ELECTION REFERENDUM PERTAINING TO THE ADOPTION OF A COUNTY CHARTER FOR ST. JOHNS COUNTY TO BE HELD IN ST. JOHNS COUNTY, FLORIDA ON TUESDAY, MARCH 31, 1998.

NOTICE IS HEREBY GIVEN THAT AN ELECTION REFERENDUM will be held on Tuesday, the 31st day of March, 1998, in St. Johns County, Florida, for the purpose of determining the following issue:

St. Johns County Charter.

Shall the proposed St. Johns County Home Rule Charter approved by resolution of the St. Johns County Charter Commission adopted January 5, 1998, changing the County from a home rule non-charter county to a home rule charter county to be governed in the manner and with the powers and limitations provided in said Charter, said Charter to be amended or repealed only upon vote of the electors of St. Johns County, be adopted?

______ YES

______ NO

Copies of the proposed county charter may be obtained at:

Main Library
1960 Ponce de Leon Blvd.
St. Augustine, FL 32084

Hastings Library
6150 S. Main Street
Hastings, FL

Ponte Vedra Branch Library
101 Library Blvd.
Ponte Vedra Beach, FL

Bartram Trail Branch Library
60 Davis Pond Blvd.
Jacksonville, FL

Reference Department
Circulation Desk
Circulation Desk
Circulation Desk
Ponte Vedra Court House Annex  
5430 E. Palm Valley Road  
Ponte Vedra Beach, FL  
Front Desk

Julington Creek Court House Annex  
1721 Racetrack Road  
Julington Creek  
Front Desk

County Agricultural Center  
3125 Agricultural Center Drive  
St. Augustine, FL  
Front Desk

County Courthouse  
4010 Lewis Speedway  
St. Augustine, Fl  
Information Desk

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

The places for voting on the county charter referendum shall be the polling places designated by the Supervisor of Elections and the polls will be open at such polling places on the date of said election from 7:00 A.M. until 7:00 P.M.

All qualified electors of St. Johns County shall be entitled and permitted to vote on the county charter referendum.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHN'S COUNTY, FLORIDA  
CHERYL STRICKLAND, ITS CLERK

By: Yvonne Carter, Deputy Clerk
STATE OF FLORIDA
COUNTY OF ST. JOHNS

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED

SANDRA D. OLIVER

ACCUSED

CHARGE

NICE CHARLES

ATTACHED COPY OF ADVERTISEMENT BEING A NOTICE OF ELECTION

The St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida, was published in said newspaper in the issues of Feb 26, March 10, 1996.

Sworn to and subscribed before me this 10th day of March, 1996.

BY: [Signature of Notary Public]

Zoe K. Moss

(Print, Type or Stamp, Commissioner Name of Notary Public)

Notary Public

Commission Expires: April 16, 1996