

RESOLUTION 2010-27

A RESOLUTION OF THE CITY OF ST. PETE BEACH, FLORIDA, OPPOSING AMENDMENT 4, AN AMENDMENT TO THE FLORIDA CONSTITUTION THAT WOULD FORCE VOTERS TO DECIDE ALL CHANGES TO A CITY OR COUNTY COMPREHENSIVE PLAN.

Whereas, in November 2006 the electors of St. Pete Beach approved their own local version of Amendment 4 a/k/a Hometown Democracy requiring voter referendum approval on all comprehensive plan amendment affecting 5 or more parcels of land; and

Whereas, since November 2006, the electors of St. Pete Beach held referendum elections on 11 comprehensive plan amendments, including 2 elections that would not have otherwise been locally required and including 5 state mandated technical amendments; and

Whereas, in November 2009 the electors of St. Pete Beach voted to substantially modify and repeal many of the voting requirements of their local version of Amendment 4 after experiencing first-hand the burdensome and costly nature of these additional voting referendum to the citizens, taxpayers and local government; and

Whereas, as a result of the requirement that citizens vote on all comprehensive plan amendments, plan amendments exceeding 115 pages in length were subject to, as all ballot issues, a maximum 15 word title and a 75 word ballot summary imposed by law; and

Whereas, subsequent to the June 2008 voter referendum on a Community Redevelopment District comprehensive plan amendment wherein more than 57% of the electorate approved the measure, a single taxpayer sued the City of St. Pete Beach to overturn the majority vote of the people claiming, amongst other things, that the title and 75 word ballot summary was "deceptive and misleading" because it did not contain a description of the issues he believed were the most important issues to the voters of St. Pete Beach; and

Whereas, the City of St. Pete Beach has been ensnared in litigation for over 28 months in nearly a dozen lawsuits stemming from the June referendum on this comprehensive plan amendment in both administrative and judicial forums, defending the vote of the St. Pete Beach electors on this issue and as a result, incurring approximately \$750,000 in litigation costs and suffering irreparable economic damage to: 1) the City's operating budget and reserves; 2) the designated Community Redevelopment District, the core business area and economic engine of the City, by forcing all redevelopment efforts to be placed on hold until the litigation is fully resolved; and 3) the community at large including the residential neighborhoods impacted by the stagnated efforts to redevelop, beautify, replace and construct badly needed infrastructure; and

Whereas, Amendment 4 seeks to amend Article II, Section 7, of the Florida Constitution (Title: Referenda Required for Adoption of Local Government Comprehensive Land Use Plans) will be voted on by the citizens of Florida this November 2, 2010; and

Whereas, Amendment 4 proposes even broader voting referendum requirements than the citizens of St. Pete Beach originally adopted in its version of Amendment 4 in November 2006; and

Whereas, Amendment 4 will require voter referendums on all comprehensive plan amendments defined to include all plans that "guide and control future land development in an area under the jurisdiction of a local government;" and

Whereas, the substantial majority of the electorate of St. Pete Beach has already rejected the broad voting referendum requirements proposed by Amendment 4 in November 2009; and

Whereas, the challenges presented by growth and redevelopment require communities embrace smart growth policies aimed at protecting the short and long term quality of life of Floridians that engender economic prosperity and the building of connected communities; and

Whereas, Amendment 4 poses a grave threat to Florida's unique quality of life, the stability of its communities, the prosperity of its economy and will fragment communities rather than bring communities together; and

Whereas, Amendment 4 will further disenfranchise millions of Florida's already fatigued electorate, paralyze local government and unduly burden taxpayers, create unprecedented uncertainty and needless litigation, and cripple the local and State economy.

NOW, THEREFORE the City Commission of the City of St. Pete Beach, Pinellas County, Florida **DOES RESOLVE**:

Section 1. Having dedicated its own policies to advancing smart growth, recommends defeat of Amendment 4.

Section 2. Having incurred the time and expense of nearly 2-1/2 years of litigation over comprehensive plan amendment litigation and experienced the undue burden on its tax payers and City government, recommends defeat of Amendment 4.

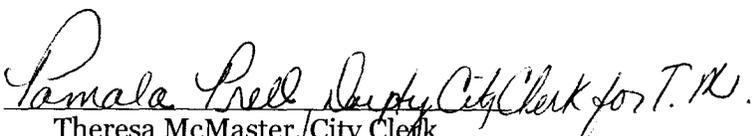
Section 3. Having placed a substantial modification and repeal of its own version of Amendment 4 before its voters and its electorate having overwhelmingly rejected the broad scope and burden imposed on the electorate by Amendment 4, recommends defeat of Amendment 4.

Section 4. Urges citizens of St. Pete Beach and across Florida to vote "No" on Amendment 4 in the November 2010 election.

INTRODUCED AND PASSED by the City Commission of St. Pete Beach, Pinellas County, Florida on this 12th day of October 2010.



Mike Finnerty, Mayor


Theresa McMaster, City Clerk