THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

02 JAN 24 PM 1:56
LEON COUNTY
ATTORNEY'S OFFICE

TALLAHASSEE BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; ANITA L. DAVIS; HAROLD M. KNOWLES; NELSON E. BENNETT; MABEL J. SHERMAN; ARTHUR HUBBARD, III; RAYMOND THOMPSON; CHARLES U. SMITH; and LEONARD L. INGE, on behalf of themselves and all others similarly situated,

Plaintiffs,

vs.

CIVIL ACTION NO.
TCA 83-7480-WS

LEON COUNTY, FLORIDA; DOUG NICHOLS, Chairman Commissioner; GAYLE NELSON; BOB HENDERSON; BILL MONTFORD; and LEE VAUSE, County Commissioners of Leon County, Florida, their successors and agents, all in their official capacities,

Defendants.

_____/

ORDER GRANTING MOTION FOR MODIFICATION OF FINAL JUDGMENT

On December 22, 1983, the above-named Plaintiffs filed their Complaint against the above-named Defendants alleging that at-large, county-wide voting for all members of the Board of County Commissioners of Leon County, Florida, minimized black representation and participation and diluted black voting strength in violation of their rights secured by the Voting Rights Act of 1965, as amended Pub. L. No. 97-205, § 3, 96 Stat. 134 (1982), amending 42 U.S.C. § 1973, *et seq.* (hereinafter "Voting Rights

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U.S. DISTRICT COURT
NORTH DIST., FLA.
TALLAHASSEE, FLA.
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Entered on docket 1/24/02 by lk
(Rules 58 & 79(a) FRCP or 32(d) (1) & 55 FRCRP)
Copies sent to: Thiele, Weisberg

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Act"), and the Fourteenth and Fifteenth Amendments to the United States Constitution.

On June 13, 1986, this Court entered a Final Judgment enjoining the Defendants from utilizing an election system under which all five members of the county commission were elected at large. That Final Judgment established an election plan by which five members of the county commission would be elected on a single-member district basis and two members of the County Commission would be elected on an at-large basis, specifically incorporating the demographic characteristics and legal description of the boundaries for each of the five single-member districts. The Court reserved jurisdiction for further action as necessary to carry out the terms of the June 13, 1986, Final Judgment.

On December 31, 1991, the Defendants filed a Motion for Modification of Judgment, therein requesting modification of this Court's Final Judgment of June 13, 1986, pursuant to Federal Rule of Civil Procedure 60(b)(6). In addition, the Defendants sought approval of the commissioner district boundary adjustments reflected in Leon County Ordinance 91-26. On May 8, 1992, this Court entered its Order Granting Motion for Modification of Order, therein approving the commissioner district boundaries as reflected in Leon County Ordinance No. 91-26.

On December 21, 2001, the Defendants filed a Motion for Modification of Final Judgment, therein requesting modification of

this Court's June 13, 1986, Final Judgment pursuant to Federal Rule of Civil Procedure 60(b)(6). The Defendants requested the approval of this Court to adjust the single-member commissioner district boundaries of Leon County as necessary to comply with Article VIII, Section 1(e), Florida Constitution, Section 124.01, Florida Statutes (2000), as amended, and the Fourteenth Amendment to the United States Constitution. The Defendants further sought approval of the single-member commissioners' district boundary adjustments as reflected in Leon County Ordinance No. 01-20, a copy of which is attached hereto and made a part hereof as Exhibit 1.

On January 2, 2002, counsel for Plaintiffs provided a letter to counsel for the Defendants stating that the Plaintiffs had no objection to the Defendants' Motion for Modification of Final Judgment. On January 8, 2002, the Defendants filed with this Court a Notice of Letter Stating No Objection, therein providing notice to this Court of the Plaintiffs' January 2, 2002, letter.

Accordingly, it is ORDERED:

1. The adjustments of the Leon County Board of County Commissioner district boundaries as reflected in Leon County Ordinance No. 01-20, are, therefore, APPROVED.

2. The Court retains jurisdiction to enter such further orders as may be required.

DONE AND ORDERED this 23rd day of January, 2002.

William H. Stafford

WILLIAM H. STAFFORD
SENIOR DISTRICT JUDGE

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ORDINANCE NO. 01-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, REPEALING AND REPLACING ORDINANCE 91-26; PROVIDING FOR THE ADJUSTMENT OF LEON COUNTY'S FIVE SINGLE-MEMBER COMMISSION DISTRICT BOUNDARIES; RETAINING THE ELECTION SYSTEM OF FIVE SINGLE-MEMBER DISTRICTS AND TWO AT LARGE DISTRICTS; ELIMINATING THE SECOND PRIMARY FOR THE 2002 ELECTION PURSUANT TO SECTION 46, CHAPTER 2001-40, LAWS OF FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the purpose of this Ordinance to fulfill Leon County's duty to reapportion its county commissioners' districts as required by federal and state law;

WHEREAS, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution does not permit Leon County residents to be apportioned among single-member districts of substantially unequal proportion;

WHEREAS, the Florida Constitution mandates that after each decennial census, the Leon County Board of County Commissioners shall divide Leon County into districts as nearly equal in population as practicable; and

WHEREAS, Section 124.01(3), Florida Statutes (2000), as amended, provides that changes in county commissioners' districts shall be made only in odd-numbered years;

WHEREAS, on December 10, 1991, the Leon County Board of County Commissioners adopted Ordinance No. 91-26, that provided for an adjustment of single-member county commissioners' districts following the 1990 federal decennial census;

EXHIBIT 1

WHEREAS, the 2000 federal decennial census data was received on May 25, 2001, indicating that Leon County had sustained significant population growth which would necessitate redistricting of the single-member county commissioners' districts; and

WHEREAS, it is the purpose of this Ordinance to establish new boundaries for Leon County's single-member commissioners' districts, which are to be composed into districts as nearly equal in population size as practicable, while at the same time (a) maintaining a plurality of minority residents in District 1; (b) maintaining the integrity of District 2 as a minority access district; (c) minimizing the amount of change from existing boundaries; and (d) grouping similar areas into the same district;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Repeal of Ordinance No. 91-26. This Ordinance shall repeal and replace Ordinance No. 91-26 that was adopted on December 10, 1991.

Section 2. Adjustment of Single-Member Commissioners' District Boundaries. The boundary lines of the five (5) Leon County single-member commissioners' districts shall be adjusted to reflect the configuration contained in the attached maps attached hereto as Composite Exhibit A, which are expressly incorporated into this ordinance and made a part hereof by reference.

Section 3. Retention of Election System. The adjustment of the five (5) Leon County single-member commissioners' district boundaries shall not affect Leon County's present election system, whereby five (5) county commissioners shall be elected from single-member districts by a simple majority with a run-off election requirement in the primary, if necessary, and two (2)

county commissioners shall be elected at large by a simple majority vote with a run-off election in the primary, if necessary. However, pursuant to Section 46, Chapter 2001-46, Laws of Florida, the second primary is eliminated for the 2002 election.

Section 4. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 5. Severability. If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this 9th day of October, 2001.

LEON COUNTY, FLORIDA

BY: _____
DAN WINCHESTER, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

BY: _____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

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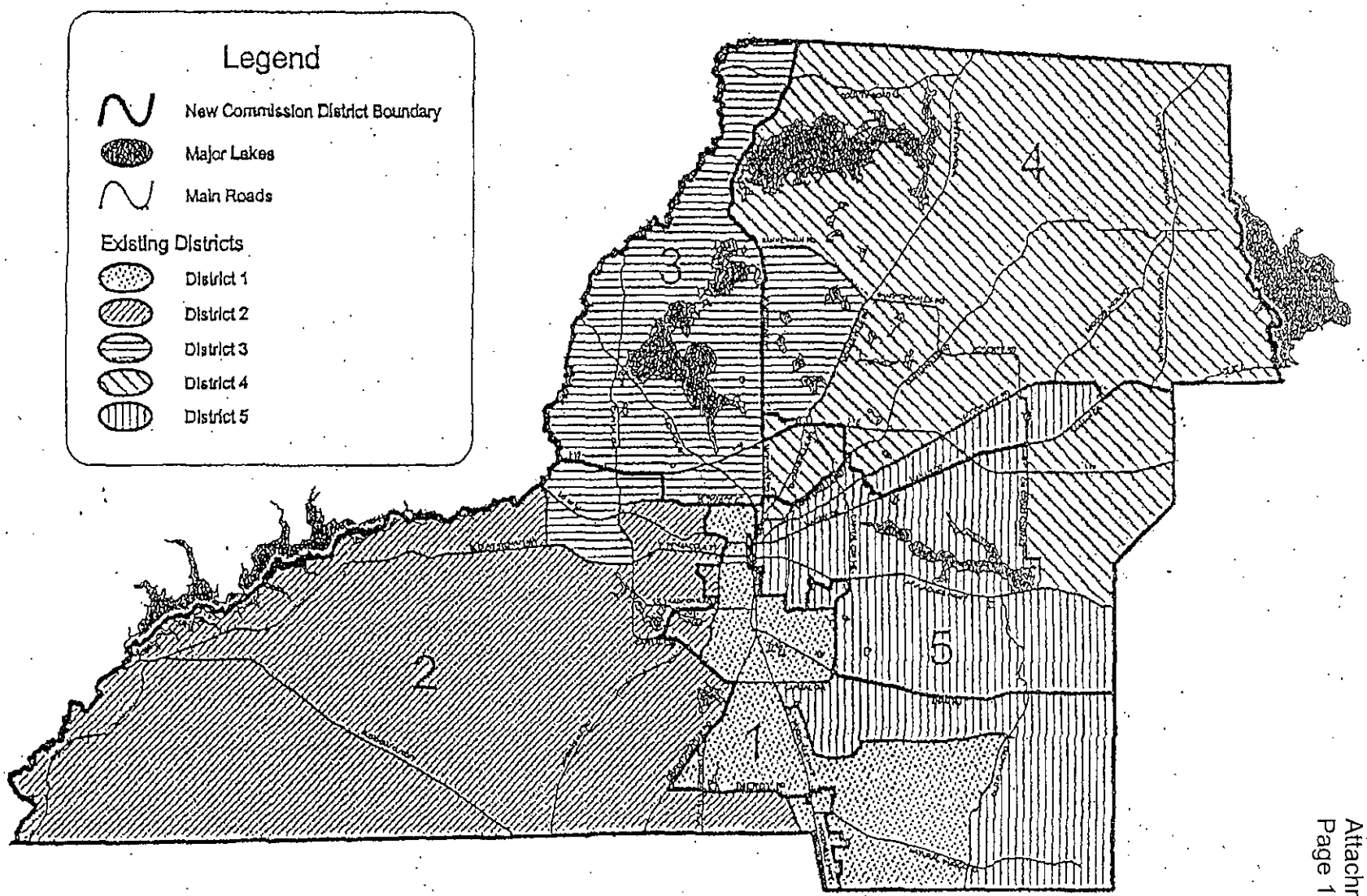
LEON COUNTY COMMISSION DISTRICTS
DISTRICT COMPOSITION STATISTICS
Based on 2000 Census Data for Proposed New Boundaries

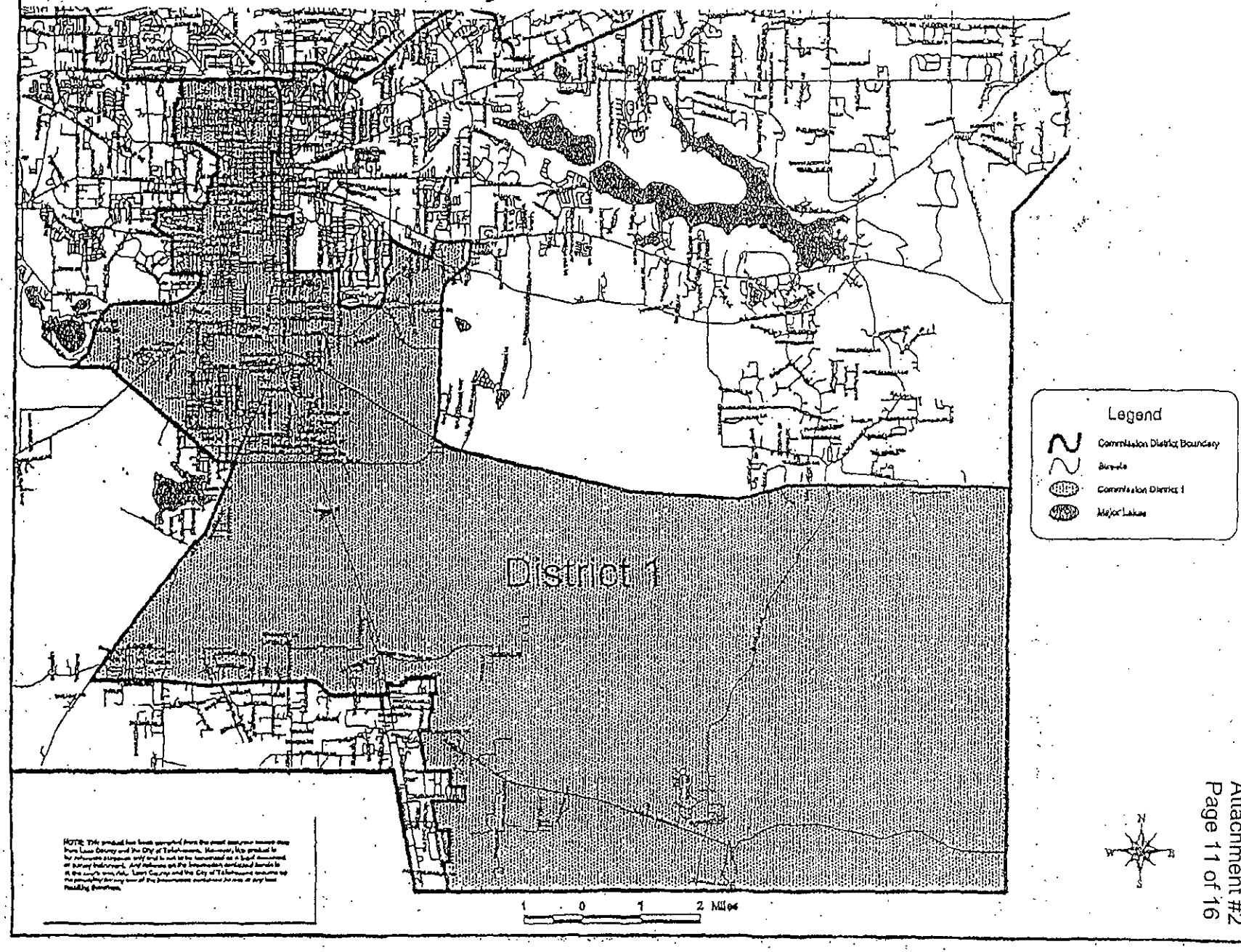
District	Total Pop.	Black Pop.	%	White Pop.	%
1	47,654	29,614	62.14%	16,031	33.64%
2	47,943	14,477	30.20%	30,886	64.42%
3	48,358	9,654	19.96%	36,445	75.36%
4	47,421	5,277	11.13%	40,336	85.06%
5	48,076	10,682	22.22%	35,195	73.21%
	239,452	69,704	29.11%	158,893	66.36%

District	Total Vote Age Pop.	Black Vote Age Pop.	%	White Vote Age Pop.	%
1	38,193	21,933	57.43%	14,625	38.29%
2	40,355	11,356	28.14%	26,868	66.58%
3	37,331	6,782	18.17%	28,957	77.57%
4	34,245	3,729	10.89%	29,345	85.69%
5	38,341	8,013	20.90%	28,707	74.87%
	188,465	51,813	27.49%	128,502	68.18%

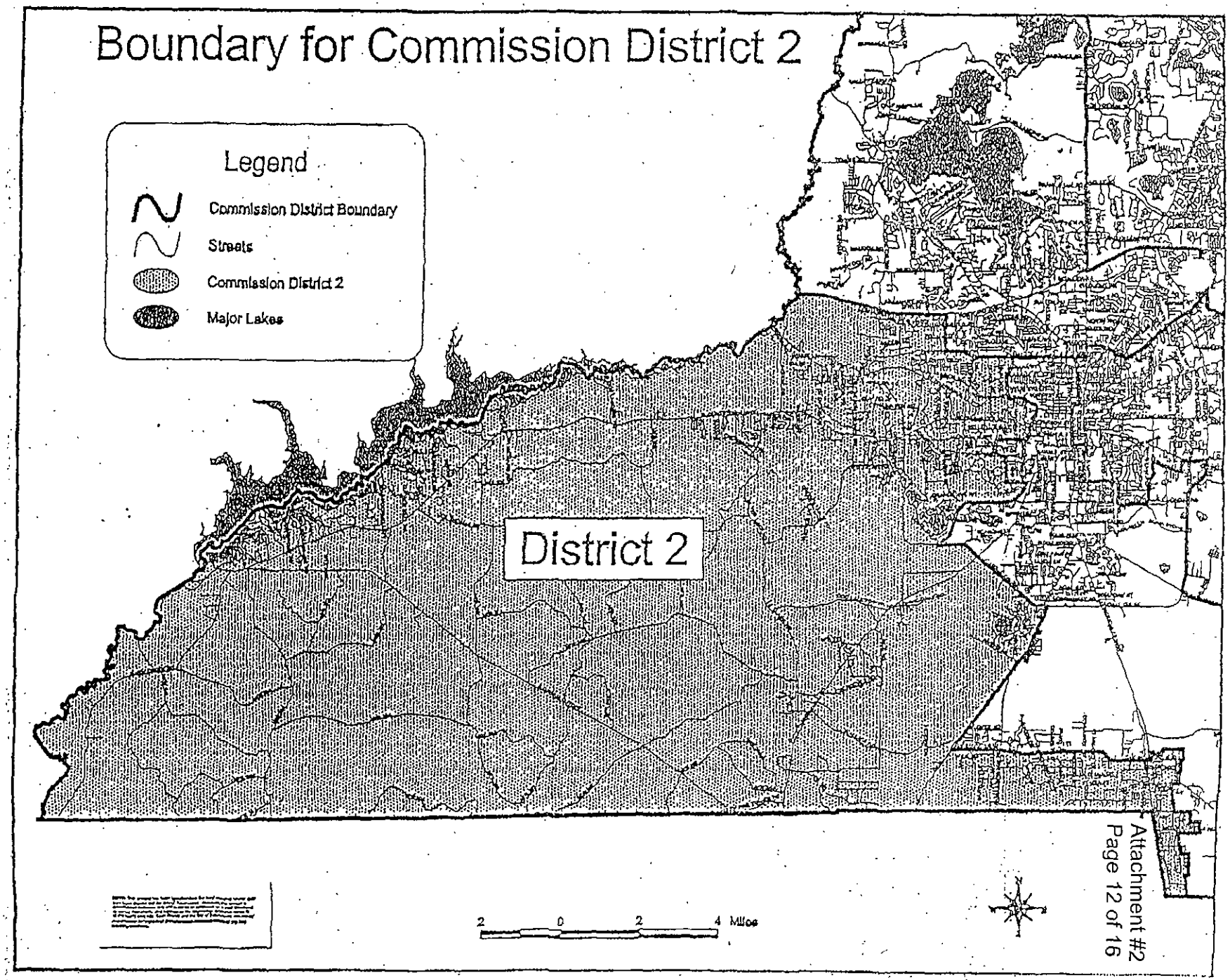
Leon County Draft and Existing Commission District Boundaries



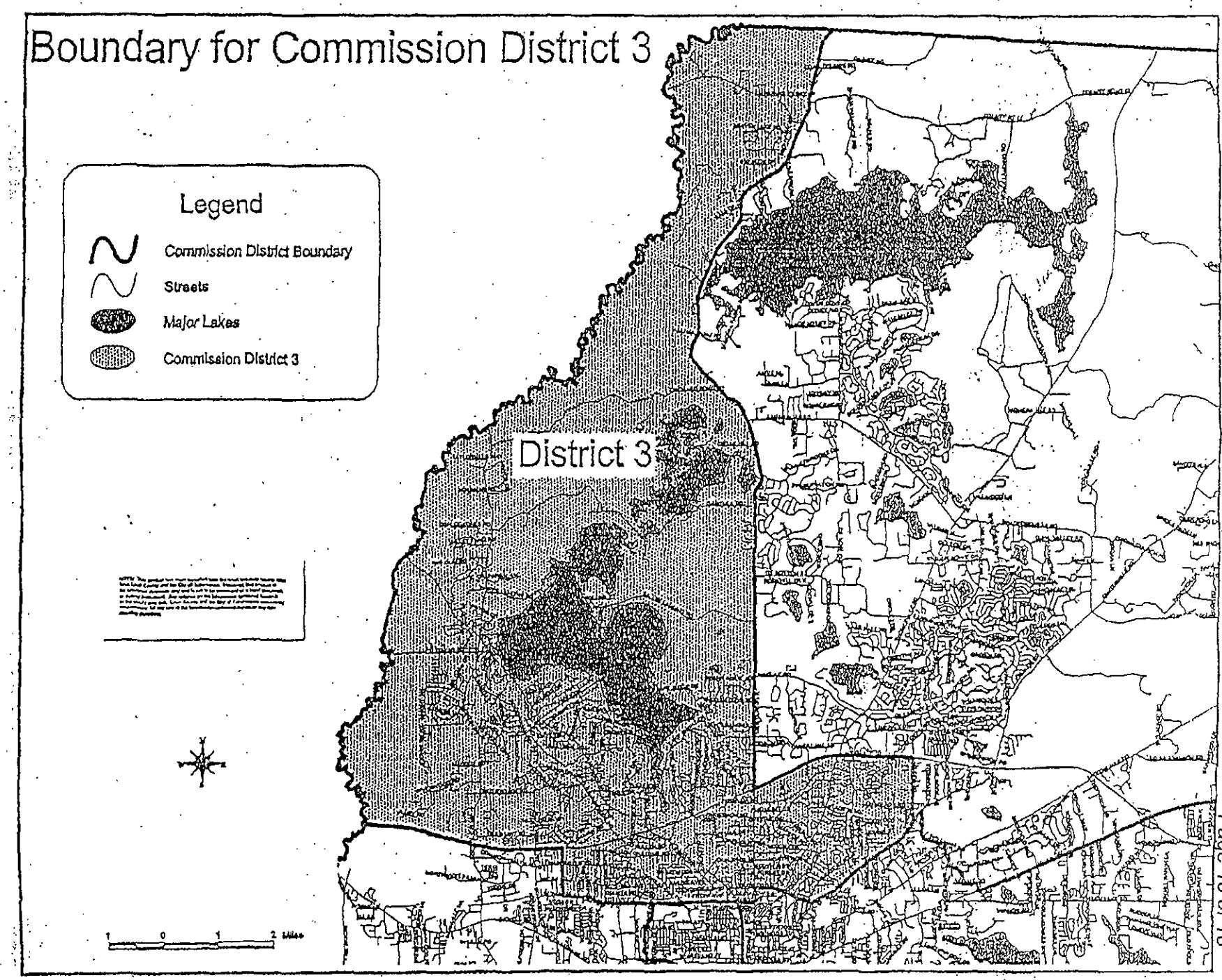
Boundary for Commission District 1



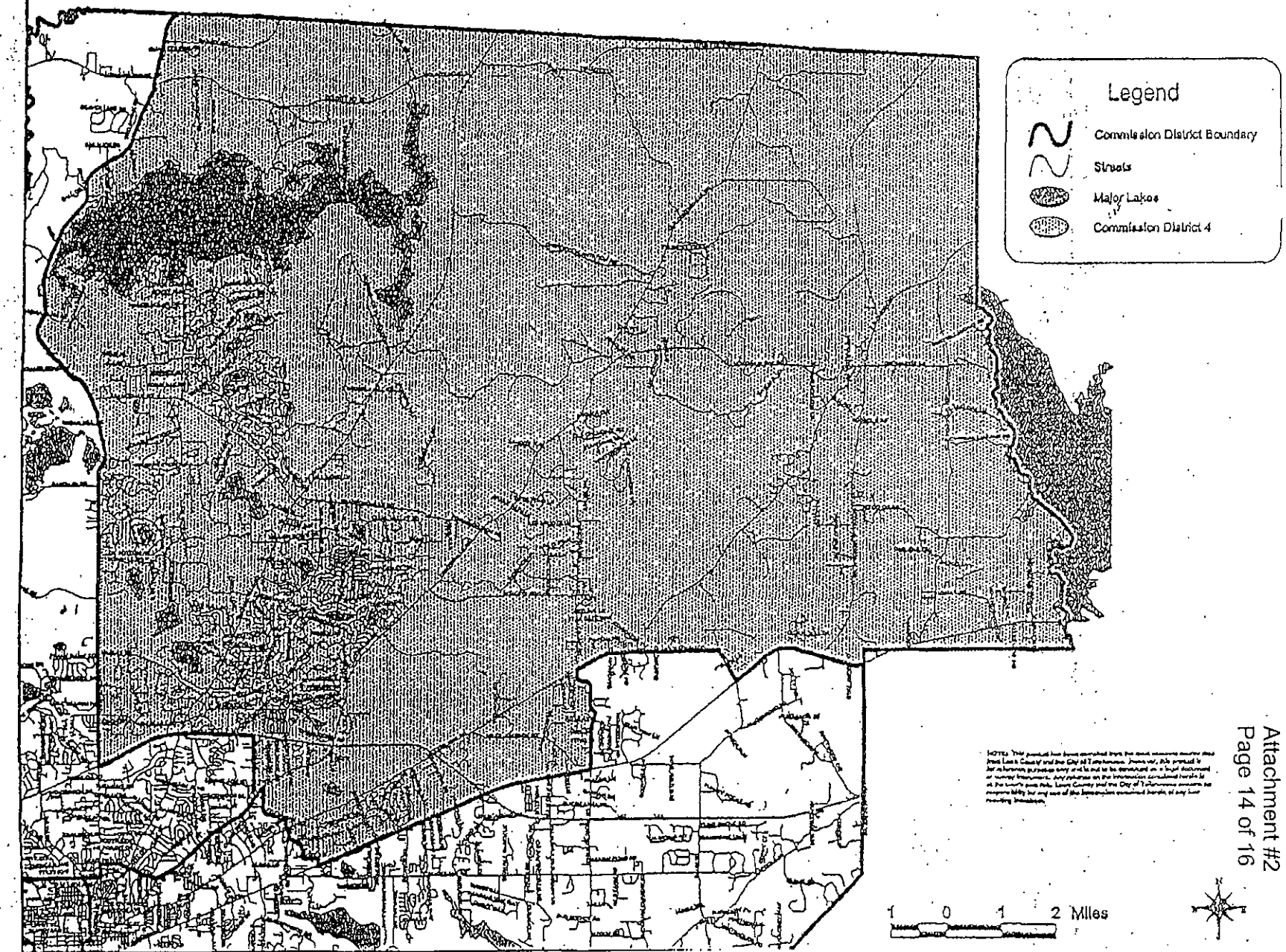
Boundary for Commission District 2



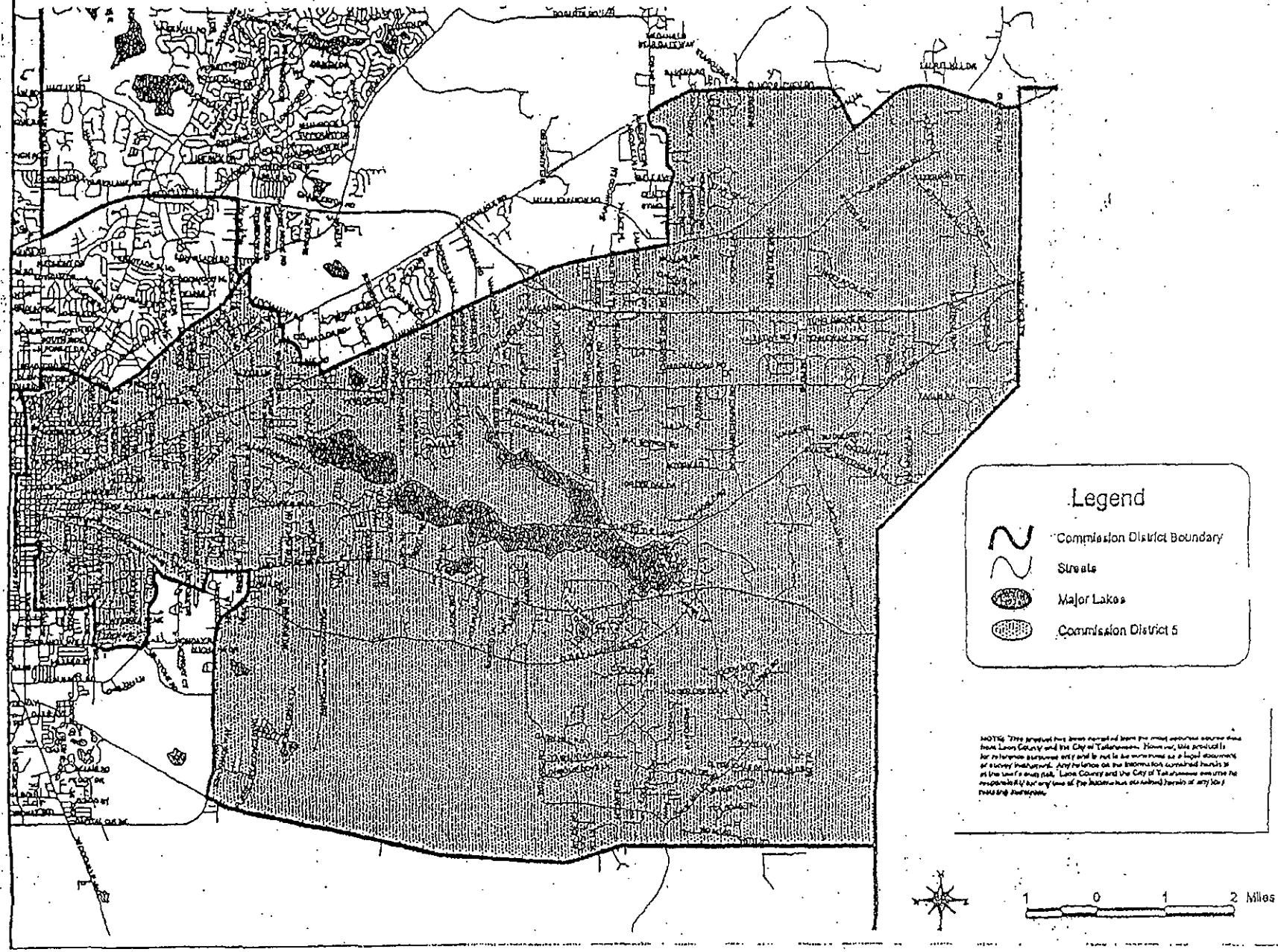
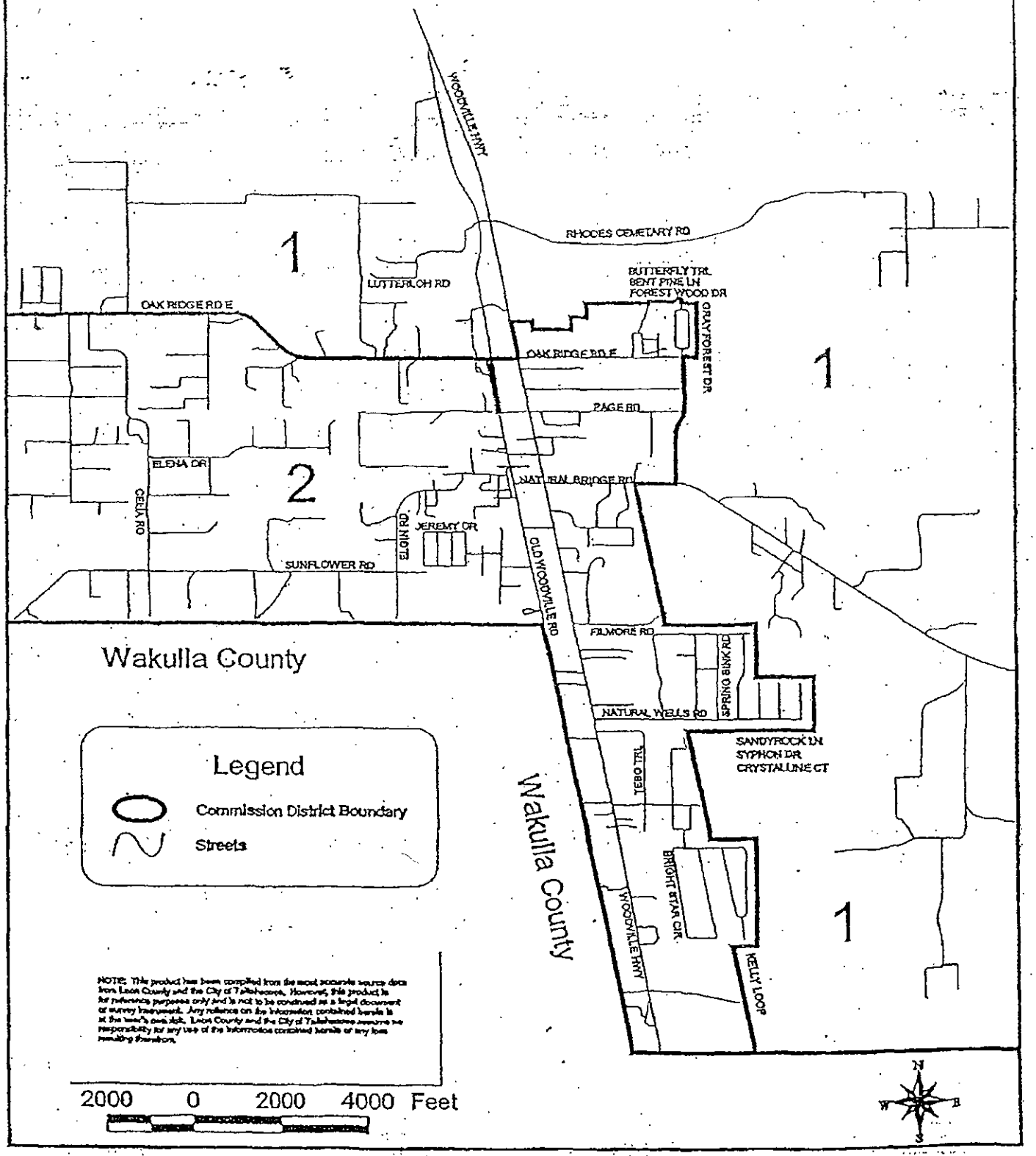
Boundary for Commission District 3



Boundary for Commission District 4



Boundary for Commission District 5



Detail Map of Woodville