

MEMORANDUM

A. Background of the Case

1. On January 3, 1986, the Bradford County Branch of the NAACP, along with individual plaintiffs Elizabeth Walker, Jimmie L. Scott,³ Carolyn B. Spooner, and Maurice J. White, filed this class action suit against the City of Starke, Florida, along with its mayor and the four members of its City Commission. (Compl., Doc. 1.) Plaintiffs alleged that the at-large election system for the City Commission then in place illegally excluded Black representation and participation, canceling out Black voting strength in violation of their rights protected by the Voting Rights Act. (*Id.* ¶ 1.)

2. This suit was one of a trio of voting rights cases challenging at-large elections in Bradford County, the other two being *Bradford County Branch of the NAACP v. Bradford County Commission*, No. 86-6-Civ-J-14, and *Bradford County Branch of the NAACP v. Bradford County School Board*, No. 84-4-Civ-J-12.

3. On May 6, 1986, upon motion by Plaintiffs, this Court certified a class “consisting of all black residents of Starke, Florida” in this case. (Class Certification Order 1, Doc. 19.)

4. The Court held a bench trial on liability in June 1988, before the late

³ As he did not reside within the Starke city limits, Plaintiff Scott later voluntarily withdrew on July 8, 1986. (Order ¶ 1, Doc. 33.)

Judge Hodges. (Findings of Fact & Conclusions of Law 2, Doc. 119.) Following that trial, on February 27, 1989, the Court issued its Findings of Fact & Conclusions of Law, concluding that “Plaintiffs have proven their [Voting Rights Act] § 2 vote dilution claim” and “the at-large system used to elect the Starke City Commission operates in a manner which violates Section 2 of the Voting Rights Act.” (*Id.* ¶ 66.)

5. On April 26, 1989, the Court issued its Order on Remedial Election Plan, by which “Defendants City of Starke, its City Commissioner[s], their successors and officers are enjoined from utilizing [sic] city-wide at-large elections to elect members of the City of Starke City Commission. (Order ¶ 1, Doc. 122.) A copy of the Order on Remedial Election Plan is attached to the Parties’ Joint Motion to Reopen the Court File as Exhibit 2.

6. On June 29, 1989, the Court issued its Final Order on Remedial Election Plan (“Final Order”), based on the joint submission of the parties. (Final Order 1–2, Doc. 124.) A copy of the Final Order is attached is attached to the Parties’ Joint Motion to Reopen the Court File as Exhibit 3. The Court ordered Defendants to “conduct future elections for the Starke City Commission under a five single member district election system” and adopted the geographical boundaries of those five districts “in accordance with the district map attached hereto as Exhibit ‘A’ and incorporated herein by reference.” (*Id.* 2 & Exh. A.) The Court further ordered that (a) “The Starke City Commission shall continue to be elected for a two year term of

office”; and (b) “[a]ll other terms and conditions of this Court’s Order on Remedial Election Plan dated April 26, 1989 shall remain in full force and effect.” (*Id.* 9.)

7. The Final Order remains in effect today and still binds Defendants and serves as an adjudication of the rights of class members.

B. Subsequent Events and the 2021–22 Redistricting

8. Consistent with its obligations under the Order on Remedial Election Plan and Final Order, the City of Starke has conducted all its elections since 1989 using the district map ordered by this Court. Notwithstanding the City of Starke’s consistency with its obligations under the foregoing Order as to single-member districts, by referendum election held on September 9, 1997, the electors of the City of Starke amended Article III, Section 10 of the Charter of the City of Starke to change the terms of service of elected city officials from two year terms to four year terms, and all elected city officials, including city commissioners, sworn into office after October 1, 1997 have been elected to serve a four year term.

9. Following the publication of the 2020 U.S. Census, the City analyzed its district map and determined that the City has experienced significant population shifts in the past decades, resulting in substantial inequality of population between the existing five districts.

10. With input and support from Plaintiffs, the City Commission developed a new district map, fulfilling its duty to adjust the district boundaries from time to

time when population changes necessitate, *see, e.g., Avery v. Midland Cnty.*, 390 U.S. 474 (1968); *Brown v. Thomson*, 462 U.S. 835 (1983), while also complying with the mandates of the Voting Rights Act.

11. This effort culminated in the City Commission’s introduction of a redistricting ordinance, Ordinance No. 2022-08, on April 5, 2022. A copy of Ordinance No. 2022-08 is attached as Exhibit 2.

C. Modification of Judgment

12. The Parties seek this Court’s approval of the single-member district boundary plan as reflected in Ordinance No. 2022-08, and seek the Court to order implementation of the new plan for the 2022 and future elections.⁴

13. Additionally, the Parties seek to vacate the portion of the Final Order providing that “[t]he Starke City Commission shall continue to be elected for a two year term of office,” which has been superseded by the City Charter amendment approved by the electors in 1997. (Final Order 9.)

14. The Parties are entitled to relief from this Court’s Final Judgment and Amended Final Judgment pursuant to Federal Rule of Civil Procedure 60(b)(6). Rule 60(b)(6) provides that “[o]n motion and just terms, the court may relieve a party or

⁴ The first elections held under the new plan would be the 2022 primary election on August 23 and the general election on November 8. The candidate qualifying period for the 2022 elections runs from June 13 to June 17.

May 16 is the deadline to submit petitions, for candidates qualifying via the petition process rather than by paying the filing fee. *Id.* § 99.095(3).

its legal representative from a final judgment, order, or proceeding for . . . any other reason that justifies relief.”

15. Without a modification of the Final Order in this case, Starke will not be able to comply with its mandatory duty to maintain single-member districts of relatively equal population, as the U.S. Constitution requires.

16. In addition to bringing the Commission into compliance with the “One Person, One Vote” requirements of federal and state law, the newly adopted redistricting plan also fully complies with the Voting Rights Act and the other requirements of this Court’s Findings of Fact & Conclusions of Law and Final Order.⁵ Namely, the new plan affords Black voters in Starke an equal opportunity to participate in the political process and elect representatives of their choice.

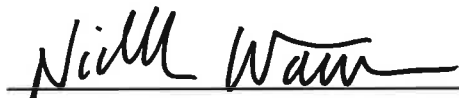
17. The relief the Parties request is similar to that granted in other Voting Rights Act cases, where local governments and plaintiffs have sought agreed-to updates to court-ordered redistricting maps following the release of new census figures. *See, e.g., Glenn v. Jackson Cnty.*, Case No. 5:84-CV-2110-RV (N.D. Fla. Mar. 15, 2022) (ECF 72); *Glenn v. Jackson Cnty. Sch. Bd.*, Case No. 5:84-CV-2109-RV (N.D. Fla. Feb. 16, 2022) (ECF 54); *Tallahassee Branch of the NAACP v. Leon Cnty.*, Case No. 4:83-CV-7480-WS (N.D. Fla. Dec. 20, 2021) (ECF 147, 150, 152)

⁵ The Parties submit the Affidavit of Roger Q. Austin III, attached hereto as Exhibit 3, in support of this Motion.

(orders granting motions to modify judgment)

WHEREFORE, the Parties respectfully request that the Court grant their Joint Motion to Modify Judgment and enter an order approving the single-member district boundary adjustments as reflected in Ordinance No. 2022-08, ordering the City Commission to implement them for the 2022 and future elections, and vacating the portion of the Court's Final Order that requires the City Commission to be elected for a two year term of office.


Respectfully submitted this 19th day of April, 2022,



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DONE AND ORDERED this _____ day of _____, 2022.

EXHIBIT " 1 "

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CITY OF STARKE, FLORIDA

ORDINANCE NUMBER 2022-08

AN ORDINANCE OF THE CITY OF STARKE, FLORIDA CREATING CHAPTER 39 CITY COMMISSION ELECTION DISTRICTS OF THE CODE OF ORDINANCES OF THE CITY OF STARKE; ESTABLISHING FIVE RATABLY OR EQUALLY PROPORTIONED ELECTION DISTRICTS IN ACCORDANCE WITH THE FINAL ORDER ON REMEDIAL ELECTION PLAN OF THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA DATED JUNE 29, 1989; ESTABLISHING RESIDENCY REQUIREMENTS TO CANDIDATES SEEKING ELECTION TO SUCH SINGLE-MEMBER CITY COMMISSION DISTRICTS; RECONCILING DIFFERENCES IN TERMINOLOGY EXISTING BETWEEN THIS ORDINANCE AND APPLICABLE PROVISIONS OF THE CHARTER OF THE CITY OF STARKE; PROVIDING DIRECTION FOR THE CODIFICATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it is the purpose of this Ordinance to fulfill the City of Starke's duty to reapportion its single-member City Commissioner districts in accordance with that certain *Final Order on Remedial Election Plan* entered on June 29, 1989 by the United States District Court, Middle District of Florida (the "1989 Final Order"); and

WHEREAS, notwithstanding the City Charter of the City of Starke does not require City Commissioners to reside in or be elected from defined districts within the City of Starke, the 1989 Final Order mandates geographically defined, single-member districts from which City Commissioners shall be elected; and

WHEREAS, when geographically defined, single-member districts exist from which City Commissioners shall be elected, the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution (the "Equal Protection Clause") does not permit residents of the City of Starke to be apportioned among single-member districts of substantially unequal proportion;

WHEREAS, the United States Bureau of the Census recently completed the 2020 decennial census; and

WHEREAS, immediately following each decennial census there does exist the data to evaluate the apportionment of residents of the City of Starke among the City of Starke's five single-member districts; and

WHEREAS, the Equal Protection Clause and the 1989 Final Order require the City Commission of the City of Starke shall divide the City of Starke into districts as nearly equal in population as practicable;

WHEREAS, the City Commission of the City of Starke has not addressed the matter of the geographic boundaries of, nor the apportionment of the City of Starke's population among the City of Starke's five single-member City Commission districts since the rendering of the 1989 Final Order;

WHEREAS, the 2020 federal decennial census data was received in September 2021, indicating that the population of the residents of the City of Starke had shifted between and among the City of Starke's five

single-member City Commission districts in a manner which would necessitate redistricting said five single-member City Commissioner districts; and

WHEREAS, it is the purpose of this Ordinance to establish new boundaries for the City of Starke's single-member City Commission districts, which are to be composed into districts as nearly equal in population size as practicable, while at the same time maintaining a majority of minority residents in District 2; now therefore,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA:

SECTION ONE. CHAPTER 39 OF THE CODE OF ORDINANCES OF THE CITY OF STARKE IS CREATED TO READ AS FOLLOWS:

Chapter 39 – City Commission Election Districts.

Section 39-1. Election Districts.

In accordance with the Order of the United States District Court, Middle District of Florida, the following election districts are hereby established for the purpose of representation upon and election of five members to the city commission:

(a) District No. 1 shall be described as follows:

A portion of the City of Starke in Sections 28, 31, 23, 33, & 34 Township 6 South, Range 22 East, and Sections 5 & 6, Township 7 South, Range 22 East, Bradford County, Florida being more particularly described as follows:

Commence at the intersection of the Centerline of Wilson Road with the Easterly Boundary of the City of Starke for the Point of Beginning and run Southerly along said Easterly Boundary to the Southerly Boundary of said City Limits; Thence Westerly along said Southerly Boundary to the Northwest corner of a parcel of land described in Official Records Book 1746, Page 328 as parcel 3 in the Public Records of said County; Thence Southerly along the Westerly Boundary of said parcel to an intersection with the Northeasterly Boundary of lands described in Official Records Book 1535, Page 298; Thence Easterly and Southeasterly along the Boundary of said lands to the Northwesterly Boundary of the right of way of State Road 200 U.S. 301; Thence Southwesterly along said Northwesterly Boundary to an intersection with the Southwesterly Boundary of said parcel (Official Records Book 1535, Page 298); Thence Northwesterly and Westerly along said Southwesterly Boundary to an intersection with the Easterly Boundary of City of Starke Spray Field (Official Records Book 102, Page 27); Thence Southerly, Westerly and Southwesterly along said Easterly Boundary to the Northwest corner of Walmart property as described in Official Records Book 1029, Page 440; Thence Easterly and Southeasterly along the Northerly Boundary of said parcel to the Northwesterly Boundary of the right of way of S.R. 200

(U.S. 301); Thence Southwesterly along said Westerly Boundary to the Southwesterly Boundary of said Walmart parcel; Thence Northwesterly along said Southwesterly Boundary to the Westerly Boundary of Section 5 (Easterly Boundary Section 6); Thence North along last said Westerly Boundary to said Easterly Boundary of Spray Field Property; Thence Southwesterly, Westerly and Northerly along said Spray Field to an intersection with the Centerline of Alligator Creek; Thence Northeasterly along last said Centerline to an intersection with U.S. 301 (S.R. 200) Centerline; Thence Northerly along said centerline to an intersection with the centerline of the CSX Transportation Railroad; Thence Northeasterly along said centerline to an intersection with the centerline of South Street; Thence Southeasterly along said centerline to an intersection with the centerline of Cherry Street; Thence Southwesterly along the centerline of Cherry Street to an intersection with Laura Street; Thence Southeasterly along the centerline of Laura Street to an intersection with the centerline of S.R. 100; Thence Southeasterly along said Centerline to the centerline of Alligator Creek; Thence Northeasterly along said Centerline to the centerline of said Laura Street; Thence Southeasterly along last said centerline to an intersection with the centerline of Colley Road; Thence Southerly along said centerline to an intersection with the centerline of Wilson Road; Thence Easterly along said centerline to the Point of Beginning.

City of Starke District 1 as described above also being the following census blocks from the 2020 Decennial Census:

<u>120070001005035</u>	<u>120070001005054</u>	<u>120070002011035</u>
<u>120070001005039</u>	<u>120070001003014</u>	<u>120070002011036</u>
<u>120070001005040</u>	<u>120070001003015</u>	<u>120070002011037</u>
<u>120070001005041</u>	<u>120070001003017</u>	<u>120070002011041</u>
<u>120070001005042</u>	<u>120070001003018</u>	<u>120070002011043</u>
<u>120070001005050</u>	<u>120070001003019</u>	<u>120070002011063</u>
<u>120070001005051</u>	<u>120070001003022</u>	<u>120070002011067</u>
<u>120070001005052</u>	<u>120070001003023</u>	
<u>120070001005053</u>	<u>120070001003034</u>	

(b) District No. 2 shall be described as follows:

A portion of the City of Starke in Sections 21, 22, 27 & 28, Township 6 South, Range 22 East, Bradford County, Florida being more particularly described as follows:

Commence at the intersection of the Centerline of Brownlee Road (also known as State Road 16 & Dr. Martin Luther King Blvd) with the Easterly boundary of the City Limits of the City of Starke for the Point of Beginning and run Westerly and Northwesterly, along said centerline, to an intersection with the centerline of Temple

Avenue (also known as U.S. 301 & State Road 200); thence Northeasterly, along said centerline, to an intersection with the centerline of Weldon Street; thence Northwesterly, along said centerline, to an intersection with the centerline of Grand Street; thence Northerly, along said centerline, to an intersection with the centerline of Davis Street; thence Easterly, along said centerline to an intersection with said centerline of Temple Avenue (also known as U.S. 301 & State Road 200); thence Northeasterly along said centerline to the Northerly boundary of the City Limits of the City of Starke; thence Easterly along said Northerly boundary to the Northeast corner of said City Limits; thence Southerly, along said East city limits line to the Point of Beginning.

City of Starke District 2 as described above also being the following census blocks from the 2020 Decennial Census:

<u>120070001001002</u>	<u>120070001004020</u>	<u>120070001004005</u>
<u>120070001001003</u>	<u>120070001004021</u>	<u>120070001004016</u>
<u>120070001001004</u>	<u>120070001004022</u>	<u>120070001004017</u>
<u>120070001001005</u>	<u>120070001004023</u>	<u>120070001004018</u>
<u>120070001001006</u>	<u>120070001004024</u>	<u>120070001004019</u>
<u>120070001001007</u>	<u>120070001004025</u>	<u>120070001004030</u>
<u>120070001001008</u>	<u>120070001004026</u>	<u>120070001004031</u>
<u>120070001001009</u>	<u>120070001004027</u>	<u>120070001004035</u>
<u>120070001004006</u>	<u>120070001004028</u>	<u>120070002023034</u>
<u>120070001004007</u>	<u>120070001004029</u>	<u>120070002023035</u>
<u>120070001004008</u>	<u>120070001004032</u>	<u>120070002023036</u>
<u>120070001004009</u>	<u>120070001004033</u>	<u>120070002023037</u>
<u>120070001004010</u>	<u>120070001004034</u>	<u>120070002023038</u>
<u>120070001004011</u>	<u>120070001004036</u>	<u>120070002023039</u>
<u>120070001004012</u>	<u>120070001004037</u>	<u>120070002023040</u>
<u>120070001004013</u>	<u>120070001004038</u>	<u>120070002023042</u>
<u>120070001004014</u>	<u>120070001004039</u>	<u>120070002023043</u>
<u>120070001004015</u>	<u>120070001004004</u>	

(c) District No. 3 shall be described as follows:

A portion of the City of Starke in Sections 17, 20, 21, 28 & 29 Township 6 South, Range 22 East, Bradford County, Florida being more particularly described as follows:

Commence at the intersection of the Centerline of Temple Avenue (also known as U.S. 301 & State Road 200) with the Northerly boundary of the City Limits of the City of Starke (also being the Northerly boundary of said Section 21) for the Point of

Beginning and run Southwesterly along said centerline, to an intersection with the centerline of Davis Street; thence Northwesterly, along said centerline, to an intersection with the centerline of Grand Street; thence Southerly, along said centerline, to an intersection with the centerline of Weldon Street; thence Southeasterly along said centerline, to an intersection with the centerline of aforesaid Temple Avenue (also known as U.S. 301 & State Road 200); thence Southwesterly, along said centerline to an intersection with the centerline of Edwards Road; thence Westerly along said centerline, to an intersection with the centerline of South Westmoreland Street; thence Northerly along said centerline, to an intersection with the centerline of Madison Street (also known as State Road 100) thence Easterly along said centerline to an intersection with the centerline of Orange Street; thence Northerly along said centerline to an intersection with the centerline of aforesaid Weldon Street; thence Westerly, along said centerline, to an intersection with the Easterly boundary of the W1/2 of said Section 20; thence Northerly along said Easterly boundary to an intersection with the Northerly boundary of the right of way of said Weldon Street (also being the Southeast corner of lands described in Official Records Book 1594, Page 465 of the Public Records of said county; thence in a clockwise direction along the boundary of said lands described in Official Records Book 1594, Page 465 to the Northeast corner of said W 1/2 of Section 20; thence Easterly along the Northerly boundary of said Sections 20 and 21 to the Point of Beginning.

City of Starke District 3 as described above also being the following census blocks from the 2020 Decennial Census:

<u>120070002021013</u>	<u>120070002021036</u>	<u>120070002022015</u>
<u>120070002021016</u>	<u>120070002021037</u>	<u>120070002022016</u>
<u>120070002021017</u>	<u>120070002021044</u>	<u>120070002023023</u>
<u>120070002021018</u>	<u>120070002021045</u>	<u>120070002023025</u>
<u>120070002021020</u>	<u>120070002011000</u>	<u>120070002023026</u>
<u>120070002021021</u>	<u>120070002011001</u>	<u>120070002023027</u>
<u>120070002021022</u>	<u>120070002011002</u>	<u>120070002023028</u>
<u>120070002021023</u>	<u>120070002011003</u>	<u>120070002023029</u>
<u>120070002021043</u>	<u>120070002011031</u>	<u>120070002023030</u>
<u>120070002021024</u>	<u>120070002011032</u>	<u>120070002023031</u>
<u>120070002021025</u>	<u>120070002011033</u>	<u>120070002023032</u>
<u>120070002021026</u>	<u>120070002011034</u>	<u>120070002023033</u>
<u>120070002021027</u>	<u>120070002011048</u>	<u>120070002023041</u>
<u>120070002021031</u>	<u>120070002011049</u>	<u>120070002023044</u>
<u>120070002021032</u>	<u>120070002011050</u>	<u>120070002023045</u>
<u>120070002021033</u>	<u>120070002022010</u>	<u>120070002023046</u>
<u>120070002021034</u>	<u>120070002022011</u>	
<u>120070002021035</u>	<u>120070002022012</u>	

(d) District No. 4 shall be described as follows:

A portion of the City of Starke in Sections 27, 28, 33 & 34 Township 6 South, Range 22 East, Bradford County, Florida being more particularly described as follows:

Commence at the intersection of the Centerline of Brownlee Road (also known as State Road 16 & Dr. Martin Luther King Blvd) with the Easterly boundary of the City Limits of the City of Starke for the Point of Beginning and run Southerly, along said Easterly boundary, to an intersection with the centerline of Wilson Road; thence Westerly, along said centerline, to an intersection with the centerline of Colley Road; thence Northerly along said centerline to an intersection with the centerline of Laura Street; thence Northwesterly, along said centerline to an intersection with the centerline of Alligator Creek; thence Southwesterly along said centerline, to an intersection with the Centerline of Water Street (also known as State Road 100); thence Northerly along said centerline, to an intersection with the centerline of said Laura Street; thence Northwesterly, along said centerline to an intersection with the centerline of South Cherry Street; thence Northerly along said centerline, to an intersection with the centerline of East South Street; thence Westerly, along said centerline, to an intersection with the Centerline of the West Track of the CSX Transportation Railroad; thence Southwesterly, along said centerline to an intersection with the centerline of Temple Avenue (also known as U.S. 301 & State Road 200); thence Northerly along said centerline, to an intersection with the centerline of said Brownlee Road; thence Easterly, along said centerline, to the Point of Beginning.

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City of Starke District 4 as described above also being the following census blocks from the 2020 Decennial Census:

<u>120070001005002</u>	<u>120070001005038</u>	<u>120070001002033</u>
<u>120070001005003</u>	<u>120070001005044</u>	<u>120070001002035</u>
<u>120070001005004</u>	<u>120070001005045</u>	<u>120070001003011</u>
<u>120070001005005</u>	<u>120070001002003</u>	<u>120070001003012</u>
<u>120070001005010</u>	<u>120070001002004</u>	<u>120070001003013</u>
<u>120070001003004</u>	<u>120070001002005</u>	<u>120070001005000</u>
<u>120070001003005</u>	<u>120070001002010</u>	<u>120070001005001</u>
<u>120070001003006</u>	<u>120070001002013</u>	<u>120070001005006</u>
<u>120070001003007</u>	<u>120070001002014</u>	<u>120070001005007</u>
<u>120070001003008</u>	<u>120070001002015</u>	<u>120070001005008</u>
<u>120070001003009</u>	<u>120070001002016</u>	<u>120070001005009</u>
<u>120070001003010</u>	<u>120070001002017</u>	<u>120070001005011</u>
<u>120070001003016</u>	<u>120070001002018</u>	<u>120070001005012</u>
<u>120070001003020</u>	<u>120070001002019</u>	<u>120070001005013</u>
<u>120070001003021</u>	<u>120070001002020</u>	<u>120070001005014</u>
<u>120070001005025</u>	<u>120070001002021</u>	<u>120070001005015</u>
<u>120070001005026</u>	<u>120070001002022</u>	<u>120070001005016</u>
<u>120070001005027</u>	<u>120070001002023</u>	<u>120070001005017</u>
<u>120070001005028</u>	<u>120070001002024</u>	<u>120070001005018</u>
<u>120070001005029</u>	<u>120070001002025</u>	<u>120070001005019</u>
<u>120070001005030</u>	<u>120070001002026</u>	<u>120070001005020</u>
<u>120070001005031</u>	<u>120070001002027</u>	<u>120070001005021</u>
<u>120070001005032</u>	<u>120070001002028</u>	<u>120070001005022</u>
<u>120070001005033</u>	<u>120070001002029</u>	<u>120070001005023</u>
<u>120070001005034</u>	<u>120070001002030</u>	<u>120070001005024</u>
<u>120070001005036</u>	<u>120070001002031</u>	
<u>120070001005037</u>	<u>120070001002032</u>	

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(e) District No. 5 shall be described as follows:

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A portion of the City of Starke in Sections, 28, 29, 30, 32 & 33 Township 6 South, Range 22 East, and Section 25, Township 6 South, Range 21 East, Bradford County, Florida. Said parcel being more particularly described as follows:

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Commence at the intersection of the centerline of Edwards Road with the centerline of Temple Avenue (also known as U.S. 301 & State Road 200) and run Southerly along said centerline of Temple Avenue to an intersection with the centerline of Alligator Creek; thence Westerly, along said centerline, of Alligator Creek to an Intersection

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with the Westerly Boundary of the City of Starke; Thence Northerly along said Westerly Boundary to the SE corner of that certain tax parcel #03968-0-00100 as so identified in the 2021 records of the Bradford County Property Appraiser; Thence Westerly along the Southerly Boundary thereof to the Easterly Boundary of Pine Forest Apartments; Thence Southerly and Westerly along said Easterly boundary and Westerly along the Southerly Boundary thereof to the Westerly Boundary of Pine Forest Apartments; Thence Northerly, Westerly, Southerly, Northwesterly, Northeasterly and Northwesterly along the City Limits Boundary to the Easterly Boundary of Lakewood Subdivision; Thence run in a clockwise direction around Lakewood to the Northerly Boundary of the Right of Way of State Road 100; Thence Southeasterly and Easterly along said Northerly Boundary to the Westerly Boundary of the City Limits; Thence Northerly along said Westerly Boundary to the Northerly boundary of said Section 29; Thence Easterly along said Northerly Boundary to the Northeast corner of Section 29; Thence Southerly along the Easterly Boundary of Section 29 (& Westerly Boundary of Section 28) to an intersection with the Centerline of Madison Street (S.R. 100); Thence Westerly along the Centerline of Madison Street to an intersection with the Centerline of Westmoreland Street; Thence Southerly along the Centerline of Westmoreland Street to the Centerline of Edwards Road; Thence Easterly along the Centerline of Edwards road to the Point of Beginning.

City of Starke District 5 as described above also being the following census blocks from the 2020 Decennial Census:

<u>120070002011005</u>	<u>120070002021009</u>	<u>120070002021040</u>
<u>120070002011006</u>	<u>120070002021010</u>	<u>120070002021041</u>
<u>120070002011007</u>	<u>120070002021012</u>	<u>120070002021042</u>
<u>120070002011008</u>	<u>120070002021014</u>	<u>120070002011004</u>
<u>120070002011009</u>	<u>120070002021015</u>	<u>120070002011024</u>
<u>120070002011010</u>	<u>120070002021019</u>	<u>120070002011025</u>
<u>120070002011021</u>	<u>120070002021011</u>	<u>120070002011026</u>
<u>120070002011022</u>	<u>120070002021028</u>	<u>120070002011028</u>
<u>120070002011023</u>	<u>120070002021029</u>	<u>120070002011030</u>
<u>120070002011029</u>	<u>120070002021030</u>	<u>120070002011051</u>
<u>120070002011064</u>	<u>120070002021038</u>	
<u>120070002021008</u>	<u>120070002021039</u>	

A map identifying the election districts is attached hereto as Exhibit "A", is for illustrative purposes only and is on file for reference in the office of the City Clerk of the City of Starke. To the extent of conflict between said map and the written legal descriptions provided herein, such written legal descriptions shall prevail

201 Section 39-2. Residency to Qualify as Candidate and Serve as City Commissioner.

202 To qualify to run for the office of city commissioner, at the time of qualifying as a candidate a
203 prospective candidate must reside in the city commission district for which such person is
204 qualifying to run. Thereafter, if elected, such person holding the office of city commissioner
205 for a city commission district must maintain residency in the city commission district from
206 which the person was elected for the duration of the term thereof or forfeit the position of
207 city commissioner for the remainder of such term. Notwithstanding the foregoing, any
208 change in city commission districts occurring as a result of this Chapter 39 will not make a city
209 commissioner ineligible from continuing in office for the remainder of any term commencing
210 before the effective date established hereby.

211 Section 39-3. Reconciliation with Charter.

212 Subject to the provisions of Ordinance 2022-02, for so long as this ordinance shall be in effect
213 Article III, Section 10 of the Charter of the City of Starke shall be interpreted as if written as
214 follows:

215 The elected officials of the City of Starke shall consist of five city
216 commissioners, the chief of police, and the city clerk. All currently elected
217 city officials shall continue to serve the remainder of their two-year terms
218 of office. All elected city officials sworn into office after October 1, 1997,
219 shall serve a four-year term of office. There shall be five single-member
220 districts from which candidates for the office of city commissioner shall be
221 elected. Commissioner[s] for districts 1, 3, and 5 shall be elected in the
222 even-numbered years and commissioners for districts 2 and 4 shall be
223 elected in odd-numbered years. Candidates for the office of city
224 commissioner shall, when qualifying as a candidate, specify in which district
225 the candidate resides and thereafter shall run and appear on the ballot only
226 as a candidate for the city commissioner for such district. The city clerk shall
227 on or before 50 days prior to each regular election, certify to the mayor the
228 offices the terms of which shall expire during such year. In all general and
229 special elections, the candidates receiving a majority of the votes cast
230 among the candidates for the city commission district for which the
231 candidate is running shall be elected. If no candidate receives a majority of
232 the votes cast among the candidates running for a city commission district,
233 there shall be a second election upon the second Tuesday following, at
234 which election the names of the two candidates receiving the greatest
235 number of votes running for such city commission district in the original
236 election shall be placed upon the official ballot. The candidates receiving
237 the greater number of votes cast among those candidates running for such
238 city commission district at such election shall be duly elected commissioner.
239 In such run-off election, in case two or more persons receive an equal and

240 the greatest number of votes within any one group, the result shall be
241 determined as provided by F.S. § 100.81.

242 **SECTION TWO. CONFORMITY WITH FEDERAL AND STATE CONSTITUTIONS**

243 The City Commission hereby finds and determines that the five election districts established herein are
244 ratably or equally proportioned in accordance with the Constitutions of the United States and the State
245 of Florida.

246 **SECTION THREE. CODIFICATION**

247 It is the intention of the City Commission of the City of Starke that the provisions of this Ordinance shall
248 become and be made part of the Code of Ordinances of the City of Starke, Florida. The Sections of this
249 Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section",
250 "Article" or such other word or phrase in order to accomplish such intention. The correction of
251 typographical errors which do not affect the intent or substance of the ordinance may be authorized by
252 the City Clerk or the City Clerk's designee with the consent of the City Attorney without public hearing, by
253 filing a corrected or re-codified copy of the same with the City.

254 **SECTION FOUR. REPEAL OF ORDINANCES IN CONFLICT**

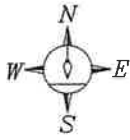
255 All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent they conflict with
256 this Ordinance, repealed.

257 **SECTION FIVE. PROVIDING FOR SEVERABILITY**

258 It is the declared intent of the Starke City Commission that, if any section, sentence, clause, phrase, or
259 provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative
260 by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not
261 affect the remaining provisions of this Ordinance and the remainder of this Ordinance, after the exclusion
262 of such part or parts, shall be deemed to be valid.

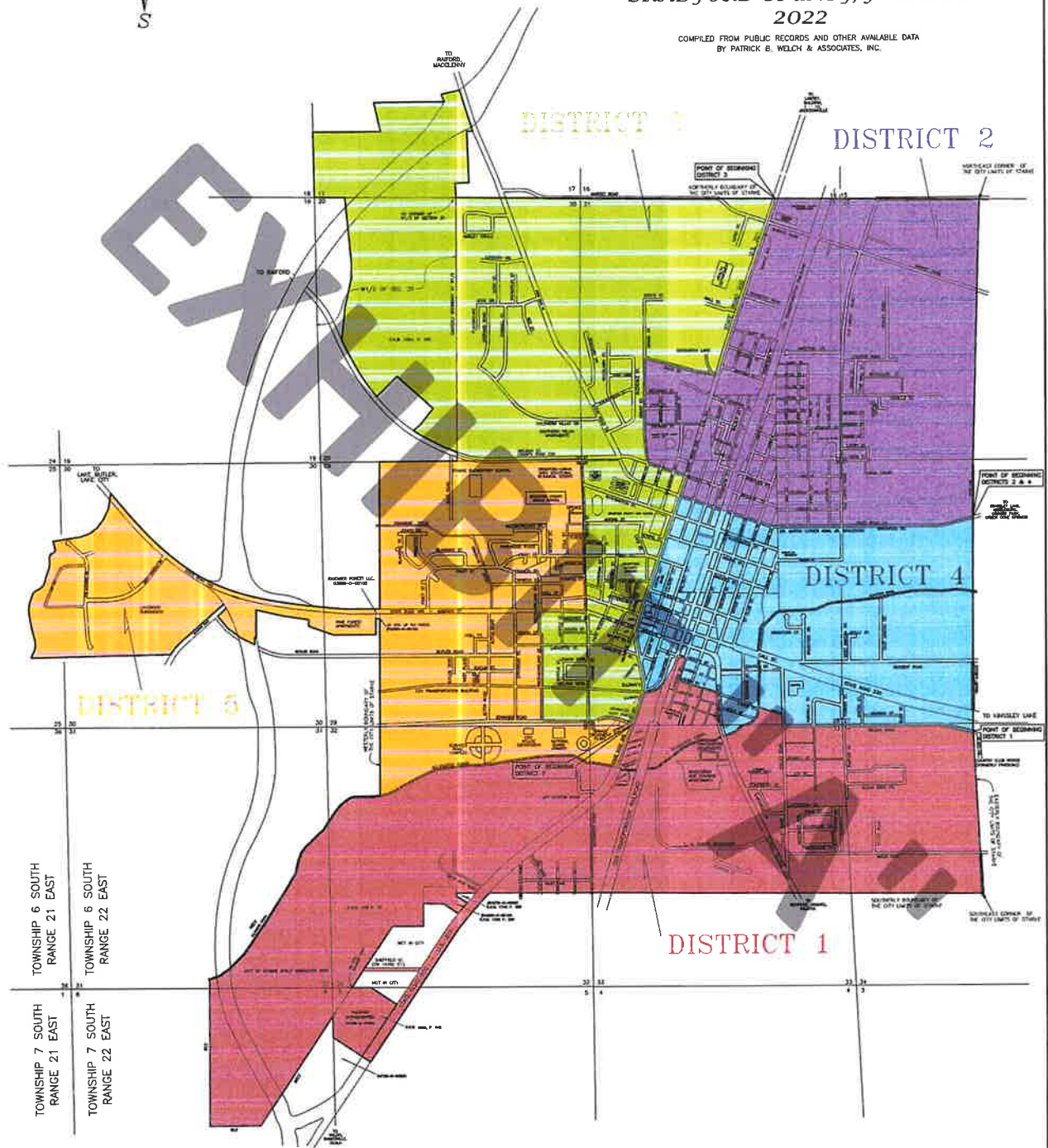
263 **SECTION SIX. EFFECTIVE DATE**

264 The districts prescribed in this ordinance apply with respect to the qualification and election in the general
265 and runoff elections held in 2022 and thereafter. Any change in city commission districts occurring as a
266 result of this ordinance will not make a city commissioner ineligible from continuing in office for the
267 remainder of any term commencing before the effective date established hereby.



THE CITY OF STARKE
CITY COMMISSION DISTRICTS
BRADFORD COUNTY, FLORIDA
2022

COMPILED FROM PUBLIC RECORDS AND OTHER AVAILABLE DATA
BY PATRICK B. WELCH & ASSOCIATES, INC.



(NOT TO SCALE)

Patrick B. Welch
PATRICK B. WELCH, PSM
FLORIDA CERTIFICATE NO. 2714
BUSINESS NO. LB 6012
DATE SIGNED

PATRICK B. WELCH & ASSOCIATES, INC.
LAND SURVEYING, PLANNING & DRAFTING SERVICES
P.O. BOX 808
800 WEST BUCKWORTH STREET
STARKE, FLORIDA 32828
(904) 984-8388

EXHIBIT " 2 "

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

BRADFORD COUNTY
BRANCH OF THE NAACP, *et al.*,

Plaintiffs,

v.

CITY OF STARKE, FLORIDA, *et al.*,

Defendants.

Case No. 86-5-CIV-J-12

AFFIDAVIT OF ROGER Q. AUSTIN III

1. My name is Roger Q. Austin III, and I am a life-long Florida resident and currently live in Gainesville, Florida.

2. I am a member of the Florida Bar, member number 363634, and have practiced election law and campaign finance law since the 1990s. I have been employed as the Political Director and Legal Counsel of the Republican Party of Florida and have been a private political consultant since 1996, with substantial experience in all levels of campaigns, including for Democratic, Republican and non-partisan candidates.

3. I have a Ph.D. in Political Science and have been an Adjunct Professor of Political Science at the University of Florida since 2001.

4. I have knowledge of the matters averred herein.

EXHIBIT "3"

Page 1 of 3

5. I have reviewed the legal documents in the original case and the single-member district boundary plan as reflected in Starke Ordinance 2022-08.

6. I have reviewed the census data as well the proposed maps, population data, demographic data and proposed district data.

7. I have knowledge of the requirements of the United States and Florida Constitutions related to the legal standards demanded therein of the districts proposed by the City of Starke.

8. The district map is complete in that all parts of the city are assigned to a district.

9. The district map is contiguous in that all parts of each district are connected.

10. The districts are equally populated, in that they have roughly equal population. The smallest district has a population of 1,142, and the largest district has a population of 1,174. Thus, the overall range between the smallest and largest district is 32 people, or 2.76% of the ideal population for a district (1,159). This is well within the 10% range generally acceptable under the Equal Protection Clause.

11. The district plan includes one district, District 2, with a majority of Black residents, adults, and registered voters. District 2 will afford a cohesive majority of Black voters an opportunity to elect candidates of choice, as Section 2 of the Voting Rights Act requires.

12. All districts are relatively compact in their geographical arrangement. The district lines follow recognized geographic features such as streets, railroads, and waterways.

I, Roger Q. Austin III, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and recollection.

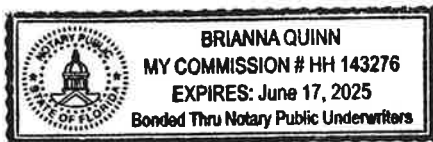
Dated: 4.19.22

Roger Q. Austin III
Roger Q. Austin III

STATE OF FLORIDA
COUNTY OF Alachua

Sworn to and subscribed before me by means of physical presence, this 19th day of April, 2022 by Roger Q. Austin III who produced a Florida driver's license as identification.

[Notary Seal]



Brianna Quinn
NOTARY PUBLIC, State of Florida
Print Name: Brianna Quinn
My Commission Number: _____
My Commission Expires: _____