

CHAPTER 6

LOCAL CONSTITUTIONAL CHANGE HISTORY – NINE CITIES

Attempts at revolutionary constitutional change through city-county consolidation provided important knowledge about what combinations of actors and rules were important to the outcome. However, not every city will pursue. In this chapter, other forms of local constitutional change will be introduced with a brief synopsis of the history of the nine cities' local constitutional change attempts. These histories are important to illuminate the context of the community and the desires for different rule choices. In each city, the attempts to change Maser's rules are presented at the end in a table. In each table, the proposed rule is given and whether the proposed rule would maintain or increase the citizen's procedural safeguard.

6.01 Florida Cities

There are six cities from Florida in the data set: Clearwater, Jacksonville, Miami Beach, Pensacola, Tampa, and West Palm Beach. Each city has different characteristics with regard to population composition, age, size, and fiscal health and each city has experienced substantial change in those characteristics through time. The cities, also, differ in the types of rules that are important to the local citizens.

Clearwater

Clearwater, Florida is in Pinellas County and was incorporated in 1897. The city begins the targeted study year, in 1950, with the smallest population (15581 residents) of the nine cities (U.S. Census 1950). Population steadily increased but began slowing in the 1980s. The city ended the study period 2000, with a population of 108,787 (U.S. Census 2000). Out of all nine cities, Clearwater had the greatest percent population increase. The city did not lose population at any period during the study.

Clearwater's Black population has never been above the critical threshold of 25 percent. The Black population comprised a little less than nineteen percent (18.63 percent) of the population and steadily decrease during the time period to a low of 8.36 percent in 1980 then gradually rose to 9.79 percent by 2000.

Clearwater had operated under a 1923 charter (Kirby 1977, 3B). The city electorate rejected a proposed new charter in 1972. An injunction to stop the referendum was filed late in the campaign by a former city attorney who, also, was a former mayor (Golden 1972). This actor did not want the proposed charter to be accepted since it contained provisions that would increase the millage rate ceiling and removed the citizens' referendum provision, so that citizens would have no recourse (Golden 1972, 1B). The injunction was denied, but the proposed charter was rejected (Allen 1972, 1B).

A new revised and streamlined charter was offered, again, to the electorate in 1977 (Ordinance 1649). This charter was not without controversy. An injunction was filed to stop the referendum by one of the candidates for the commission who charged the charter allowed the city manager to appoint the city clerk; this was a move that would remove the appointment power from the commission (Kirby 1977, 3B). This charter was successful, but would be thrown out by the court due to an advertising problem (Albury 1978, 1B). In 1978, the city held a referendum to ratify a charter that was almost exactly like the 1977 proposed charter (Robertson 1978a, 1). The proposed charter did reduce the required number of signatures for an initiative from one-third the number of voters in the last election to ten percent and referendum from thirty-five percent to ten percent, but removed the tax rate limit (Ordinance 1830).

The local paper editorial supported the proposed charter as "positive, progressive, and for the betterment of Clearwater and said the League of Women Voters also supported the charter (*St. Petersburg Times/ Clearwater Times* 1978). This charter was accepted with sixty percent of the vote (Robertson 1978b, 1B).

The direct democracy rules, primarily the rules that would eliminate referendum requirements are important to the citizens. Two referenda in 1995 addressed both initiative and referendum. The first question (Ordinance 5760-95) would increase the time available for petitioners to gather signatures for either referenda and initiatives. The local newspaper supported this change (*St. Petersburg Times/Clearwater Times* 1995). This was successful with 6,622 accepting the change and 2,497 rejecting the change (Supervisor of Elections).

Two referenda held on March 9, 1999 addressed initiative and referendum, again. This change further strengthened the citizens control. Ordinance 6375-99 stated that an ordinance

initiated by citizens could not be repealed by the city commission until after the next general city election. The ordinance also provided that if the electorate repealed an ordinance through referendum that ordinance could not be readopted by the commission until after the next election. This change was also successful 10,667 accept and 3,324 reject (Davis 1999; Supervisor of Elections).

Although Clearwater has had several local referenda, many of the questions were on fiscal matters, particularly the provision of a referendum for bonds over a certain amount, and in the area of term and term limits. In 1995, for example, one referendum question (Ordinance 5760-95) proposed a change in the requirement of referendum for revenue bonds from one million dollars to 5 million dollars. This proposal was rejected with 2,121 accept and 7,038 reject (*St. Petersburg Times/Clearwater Times 1995*). However, these rule domains were not analyzed in this study. Those proposed constitutional rules that are pertinent to this study are provided in Table 6.01.

Table 6.01 Clearwater Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1972	yes	full charter	no	**
1978	yes	full charter	yes	**
1995	yes yes	initiative referendum	yes yes	yes yes
1999	yes yes	initiative referendum	yes yes	yes yes

** designates multiple safeguards

Jacksonville

The Jacksonville electorate decided by referendum to dramatically change the electoral systems before the study time frame began. The May 3, 1949 referendum reduced the number of districts from 18 to nine and the number of representatives from 18 to nine (*Florida Times Union 1949b*) and provided that the mayor would be a Mayor-Commissioner and five other commissioners would be elected at-large (*Florida Times Union 1949a.*). Under the new system the elections of council members would go from district elections to at-large.

In 1950, the population of Jacksonville was 204,517 with 35.4 percent Black (1950 U. S. Census). Jacksonville had increased its population since the 1950 census, but by 1960 the city was losing population. In 1960 there were 201,030 residents with about 41.1 percent Black (1960 U. S. Census). One interesting impact of the consolidation was to increase the population to 528,865 residents but the percent of Black residents decreased to 22.34 percent (1970 U. S. Census). The percent of the population who were Black residents continued to rise after that point and the population also continued to rise to 735,617 in 2000 with Black residents representing 29.03 percent of the population.

The Black population was above the critical level until the successful consolidation and then dropped below the 25 percent level and did not attain that level until the late 1970s. The successful consolidation attempt occurred on August 8, 1967. This local constitutional change was discussed in Chapter 4.

In 1972, a direct democracy rule that provided greater procedural safeguards for the citizen was passed by legislative action (FL Law 72-572). The number of signatures required for the initiative and the referendum was decreased from ten percent to five percent of the voters. One provision was also included that if the initiative or referendum petition contained more than ten percent of the signatures, then the referendum must be held within twelve months (FL Law 72-572).

The consolidation charter was updated in 1992 by legislative action. However, on November 3, 1992, a referendum was accepted that moved the five at-large representatives toward district representation. The at-large representatives would have to reside in one of five super districts and continue to live there throughout their term (Saunders 1992, A22). The referendum passed, 155,074 to accept and 48,527 to reject the proposed change (Supervisor of Elections).

In 1998, a rule reduced some of the mayor's veto power of council actions (FL 98-466). This was not changed through referendum. These proposed rule changes are presented in Table 6.02.

Table 6.02 Jacksonville Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1967	yes	consolidation full charter	yes	**
1972	no no	initiative referendum	yes yes	yes yes
1992	no	full charter	yes	**
1992	yes	number of districts	yes	yes
1998	no	mayor veto power	yes	no

** designates multiple safeguards

Miami Beach

Miami Beach, the youngest of the nine cities, was incorporated in 1915. The city was also the first of the nine cities to claim home rule powers. When Miami and Dade County, Florida became a federated system in 1957, the cities in the county were provided the authority of Section 5.03 of the Metro-Dade Charter. Miami Beach claimed home rule powers on this date (city charter introduction). From that date all amendments to the charter were enacted by a vote of the electorate.

The 1921 Florida Law (Chapter 9025, Special Acts 1921) provided Miami Beach the security of not being annexed or consolidated with cities in the area and thus strengthened Miami Beach's autonomy. Their individualism was so strong that the city has tried since 1929 to become a separate county (Neill 1964, 4).

In 1950, Miami Beach had a population of 46,282 people, a moderate number compared to the other eight cities. This was a 65.2 percent increase over the 1940 population. The city's population would continue to increase until the 1980 census with a population of 87,072 (37.9 percent increase over 1960). However, Miami Beach's population would begin declining over the next 20 years to a population of 87,933 in 2000. Miami Beach had the lowest Black population of the nine cities, 1.3 percent in 1950. This percentage would decline to a low of 0.37 percent by 1970 and then begin to rise to a high of 5.1 percent by 1990 then begin declining to 4 percent in

2000.

However, Miami Beach did have a significant elderly population. The citizens 65 years or older represented 12.1 percent of the population in 1950. The number increased to a high point of 51.8 percent in 1980 and then dramatically declined to 19.2 percent in 2000. The numbers were so significant that by the late 1960s it was noted (Nordheimer 1967, 1D) that: “The elderly Jewish residents of South Beach had buried any doubts about who controls the balance of power in the city. . . . No politician in the city can now make a move without first taking the pulse of South Beach.” The number of retired individuals was so great that a grassroots group formed to entice young families to move to the city (Roberts 1967).

South Beach was the area with the greatest concentration of elderly and was usually pitted against the northern section of town which had the businessmen and professionals. The group of 15 business and civic organizations from the north of the city held voter registration campaigns in that section to decrease the effect of the South Beach vote (*Miami Herald* 1968).

The early 1960s saw Miami Beach move toward district representation. However, the proposals were for group elections instead of everyone running against all other candidates (Finkelstein 1960, 2C; Auerbach 1962, 10B). Part of the conflict was that the mayor was chosen as the candidate with the most votes. In 1964, the group election plus direct election of mayor was accepted (Auerbach 1964). In 1966 there was a move to strengthen the city managers powers by providing appointment power for the manager (Nordheimer 1966, 8D).

The push for district elections began in 1969 (Miller 1969, 9B). The effort was supported by the Chamber of Commerce, South Florida Hotel and Motel Association, Greater Miami High Rise Association, and various merchants. The South Beach group that opposed district elections was chaired by a hotel manager. Supporters say that districts would increase the number of qualified candidates and create representative government, while opposers say it would create ward politics (Miller 1969, 9B).

The referendum finally went to a vote and passed in November 1972. The Beach would have three districts (Taylor 1972a, 5A). The change was marked by conflict with a voting machine problem (Taylor 1972b). However, the vote was upheld by the courts (Buchanan 1973). This was not the end of the conflict. The next year, the voters repealed the district plan and

reinstated at-large voting (Hall 1973).

In 1993, a new charter was passed by referendum (2 November). This charter upheld the at-large elections. The charter changes are provided in Table 6.06

Table 6.03 Miami Beach Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1960	yes	direct elect mayor	no	yes
1964	yes	direct elect mayor	yes	yes
1966	yes	mayor appointment power	yes	no
1972	yes	district representation	yes	yes
	yes	number of districts	yes	yes
	yes	number of seats	yes	yes
1973	yes	district representation	yes	no
	yes	number of districts	yes	no
	yes	number of seats	yes	yes
1977	yes	referendum	yes	yes
1993	yes	full Charter	yes	**

** designates multiple safeguards

Pensacola

Pensacola, in Escambia County Florida, was incorporated in 1832 . In 1950, Pensacola had a population of 43,479, about the same population as Miami Beach. However, from 1950 to 2000, Pensacola only increased population to 56255. Pensacola’s charter was enacted in 1931 and has only been amended since that time.

Pensacola’s Black population has always been above the 25 percent level. In 1950, there were 36 percent Black residents, this decreased to 32.7 percent in 1960. The Black population then increased slightly to 33.8 percent in 1980 then declined to a year 2000 of 30.6 percent (U.S. Census). Although the population was above the 35 percent level that Kanter (1977) level that approaches equal population, the community did not have adequate representation.

In 1959, Pensacola ran a referendum that was accepted to change the electoral system. Before the referendum the city was divided into five districts with two representatives each, one

member elected by the district, the other elected at-large. The proposed rule did not change the number of districts or number of seats but changed district representation to all at-large elections (FL Law 59-1730). The change was supported by the editor of the local newspaper as a way to minimize group interests. The editorial states that under the present system a Black candidate could be elected to the council, “. . . although the city as a whole would not. This is probably the prime reason behind the proposed change,” but suggested the reason was “that all councilmen would be responsible to all city voters, not merely to those in their particular section” (*Pensacola News Journal* 1959a, 8A). The change was endorsed by the local chamber of commerce and the members of the city council (Harling 1959, 6B). Opposition to the proposed change was noted by the reporter, but was not identified (Harling 1959, 6B). The change was accepted, 1,722 for and 307 against, with the predominately Black voting against it measure ten to seven (*Pensacola News Journal* 1959b, 1A).

On November 3, 1970, Pensacola and Escambia County ran a rejected consolidation attempt (Harling 1970b, 1A). The representation in the proposed consolidation charter would not increase the representation (FL LAW 70-681). A short history of the consolidation attempt is provided in Chapter 4.

Two laws for the provision of referendum petition were passed by the legislature. One in 1965 (FL Law 65-2091) provided for a petition with signatures of 20 percent of the voters, then in 1971 the percentage of signatures was decreased to 15 percent (FL Law 71-846).

In 1978, local Black leaders filed a lawsuit citing that the voting system was discriminatory in the city, county, and school board (Kaufman 1978, 1C). The judgement was for the Black community and the number of seats should stay ten but there should be seven single member districts and three at-large seats (Kaufman 1978, 1C).

The suit was still in appeals in 1981 when the city elections had seven Black candidates running for city council (Gordon 1981, 1C). These candidates lost in the run-off (Wernicke 1981, 1A). However, a controversial pamphlet that was considered “racist” had been circulated just days before the run-off (Waters 1981, 1A). The Black community was granted representation in May 1983 as a settlement of a lawsuit (Thompson 1983, 1A). After the new election system was in place, the Black community saw an increase in representation on the council of three Black

council members in the May elections (Thompson 1983, 1A). The editorial, the day after the election, reminded the readers that the new system should represent all the people and not just the interests of their districts (*Pensacola Journal* 1983, 16A).

Escambia County has tried to establish home rule several times throughout the time period. The first attempt was in 1977, just seven years after the failed consolidation attempt. This attempt failed with 6,981 accept and 8,575 reject the proposed charter (Escambia County Supervisor of Elections). A second attempt in 1979 also failed with 13,376 accept and 15,265 reject, the third attempt in 1995 failed with 15,679 accept and 15,735 reject the proposed county charter (Escambia County Supervisor of Elections). The rejection of the county charter was attributed to rejection by rural residents, while affluent city residents supported the proposed change (Hu 1995, 1A).

On May 4, 1999, a referendum approved by the electorate (3,258 accept and 3,166 reject) provided for the direct election of the mayor from the three at-large council seats (Escambia County Supervisor of Elections). Up to this point, the mayor was chosen by the council, had no power, and could be either on the council or anyone in the community (Allman 1999a).

A minority grass roots group “Movement for Change” joined a Pensacola businessman and developer to push for change (Allman 1999b; Graybiel 1999). The council did not want to have a referendum (Allman 1999b). The local newspaper said in an editorial that they did not support the change but that the voters should have a chance to consider the change (*Pensacola News Journal* 1999).

The city council decided to allow the question to go to a referendum. The prediction was that it would not pass since the current system worked and the council member stated they would vote for the change (Graybiel 1999). The charter amendment for weak mayor would not take effect until the 2001 elections (Conn 1999). Although, the prediction was rejection the voters accepted change. These proposed rule changes are presented in Table 6.04.

Table 6.04 Pensacola Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1959	yes	district representation number of districts number of seats	yes yes yes	no yes yes
1965	no	referendum	yes	yes
1970	yes	full charter – consolidation	no	**
1971	no	referendum	yes	yes
1983	no	district representation number of districts number of seats	yes yes yes	yes yes yes
1999	yes	direct elect mayor	yes	yes

** designates multiple safeguards

Tampa

Tampa was incorporated in Hillsborough County in 1877. Tampa began the study period with a population of 124,681 with 21.95 percent Black citizens (1950 U. S. Census). The city's population gained its greatest population between 1950 and 1960. In 1960 the population was 274,970, but the Black population had dropped to 16.82 percent. Over the next ten years the population increased slightly, a little more than one percent, but the Black population increased to almost 20 percent of the population. This brought the population to within the critical range. By 1980 the city's population had declined to 271,523, but the percent of the Black population had increased to 23.42 percent (1980 U. S. Census). The next twenty years, Tampa's population began to rise slowly to a year 2000 population of 303,447 with 26.1 percent Black (2000 U. S. Census).

Tampa had three consolidation attempts during the population crisis period: 1967, 1970, 1972. These attempts are discussed in Chapter 4. In 1975, the city revised their charter.

On September 2, 1975, Tampa voters went to the polls to vote for a revised charter as well as to vote for mayor and three council members. The new charter was the first revision in 30 years and pared the 400 page document to a mere nine pages, according to supporters of the change (*Tampa Tribune* 1975, 2B). The revised charter reduced the percentage of signatures for

initiative petitions and referendum petitions from 25 percent to 10 percent and recall signature numbers were reduced from 25 percent to the Florida statute requirement of 15 percent (1975 Tampa Ordinance 6201-A; R. Allen 1975, 6A). One office was removed from the power of the mayor. The comptroller's office with the internal audit was set as an independent Department of Revenue and Finance and although the mayor retained the appointment power of, this office, as well as the police, fire, legal, civil service, the mayor could not change the pension boards (*Tampa Tribune* 1975, 2B). The referendum was successful with 28,009 accepted the revision and 8,100 rejected (Election Supervisor's Office certified numbers 3 September 1975). The new "simplified" charter was championed by a new elected councilwoman (Greene 1975). The mayor also supported the revised charter which included the "strong mayor" form of government (R. Allen 1975).

In 1979, a referendum for a proposed rule would decrease the power of the mayor to appoint the city auditor and move the auditor out of the mayor's office (Hathaway 1979, 2B; Tampa Ordinance 7221-A). This attempt to reduce the mayor's power failed with 14,732 accept and 20,448 reject (Supervisor of Elections, certified numbers).

Tampa's representation was at-large. Single member districts were proposed at a council workshop in 1978 at the suggestion of one council member who said that the courts were beginning to require single member districts, but the suggestion was voted down (Robinson 1978, 2B). In 1980 the desire for single member districts increased. A lawsuit filed in June 1980, contended that the at-large elections diluted the Black citizens (Kalwary 1980a, 1B). There had never been a Black candidate elected to the council (Kalwary 1980b). It should be remembered that in 1980, the city was 23.42 percent Black (1980 U. S. Census).

There were two Black groups seeking representation in 1980. One group desired the lawsuit to provide the representation, while the other group wanted a city referendum (Kalwary 1980b). In 1981, the council voted to oppose the state legislated election change to single member districts (Piacente 1981a, 3B).

A referendum was finally held on March 1, 1983 to change the representation from at large to district representation. Referendum for single member districts was accepted 21,080 to 8,233 (Piacente 1983a, 1A). The plan provided for four single-member districts and three at-large

representatives (Piacente 1983a). However, the president of the local NAACP said the plan did not go far enough; the number of single member districts should have been increased to provide the representation needed in the city (Piacente 1983a, 1A). The local paper editorial supported the change as providing “more open government,” but noted that the change was attributed to the Black leaders who wanted to “. . . enhance their own power and prestige, actions which have little to do with the justifiable desire for a more democratic government” (*Tampa Tribune* 1983, 14A). The mayor of the city drafted and supported the plan as a way for a Black candidate to get elected to the city council (Dunn 1983).

The City and County have always had conflict. In 1982, according to a reporter (Inglis 1982, 1A), the conflict had escalated with disagreements over garbage, library, “dual taxation,” recreation (a golf course), civil service, street maintenance, and water/ sewage. These problems are the very same problems that were cited as reasons to consolidate.

On September 20, 1983, amid county commissioner scandal a home rule charter for Hillsborough County was passed by voters (Inglis 1983). The reporter had viewed the home rule charter like a consolidation charter (Inglis 1983, 1A). The county charter would provide single member districts and increase seats (Piacente 1983b). However, the local chapter of the NAACP contested the county charter which was finally approved by the justice department in 1985 (Inglis 1985).

The final proposed rule change, in the time period, addressed the mayor’s power. One of the proposed rules would increase the time the city could review the mayor’s budget, but the rule of interest addressed the mayor’s appointment power and veto power (Tampa Ordinance 94-263; Tampa Ordinance 94-264). The reduction of the mayor’s appointment power, supported by the council, would grant the council the right to approve the mayor’s appointment of the city manager and other high level department heads (Gilpin 1995, 8). The council said the changes would be “important to taxpayers” (Stebbins 1995, 2). The veto rule would deny the mayor the power to override the council’s decision to hire or fire the council’s attorney (Stebbins 1995, 2). The outgoing mayor opposed the two amendments (Gilpin 1995, 8). The proposed rule changes are provided in Table 6.05.

Table 6.05 Tampa Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1967	yes	consolidation – full charter	no	**
1970	yes	consolidation – full charter	no	**
1972	yes	consolidation – full charter	no	**
1974	no	mayor appointment power	yes	yes
1975	yes	full charter	yes	**
1979	yes	mayor appointments	no	no
1983	yes yes yes	district representation number of districts number of seats	yes yes yes	yes yes yes
1985	yes	mayor appointments	yes	yes
1986	yes	mayor appointments	yes	no
1995	yes yes	mayor veto mayor appointments	yes yes	no no

** designates multiple safeguards

West Palm Beach

West Palm Beach is in Palm Beach County. The city was incorporated in 1894. Until 1946, the city had single member districts elections, but this was changed when the State of Florida eliminated the “white-only primary system” (Engelhardt 1994, 1B).

West Palm Beach began the study time, 1950, with a population of 43,162 with 29.6 percent Black (1950 U. S. Census). The population of the city had steady growth between 1950 and 2000, ending the study time with a population of 82,103 of which 32.2 percent were Black (2000 U. S. Census). Although the city never lost population, the percent of Black population steadily declined from 1950 to a low of 24.4 percent in 1970 then began to rise steadily to 32.2 percent in 2000.

There was an attempt to change to direct election of mayor and provide appointment power in 1953 (1953 Fl Law 29606). This was not accepted (*Miami Daily News Bureau* 1953) . A new charter for West Palm Beach was accepted by the electorate on November 16, 1965. In

1976, a referendum to change the designation of council seats from groups to districts was accepted. Instead of numbered seats the candidates for seats would qualify in districts (Ordinance 1300-75).

The proposal for a strong mayor that was elected directly by the electorate was introduced by a city commissioner in 1989 and supported in an editorial in the local newspaper (*Palm Beach Post* 1989a, 1E). The idea was dropped by the commission in 1989 (*Palm Beach Post* 1989b, 1E). A referendum, initiated by citizen petition, would change the selection of mayor and mayoral powers and was run on March 12, 1991 (Bradbery 1991, 1B). This would move the form of government from council-manager to strong mayor with the mayor sharing appointment and administrative power with the manager. The city council also added a referendum that would provide for a weak mayor system (Bradbery 1991, 1B). The local newspaper editorial supported the move to a strong mayor (*Palm Beach Post* 1991, 1E). Two referenda were held on March 12, 1991. Direct election of mayor was accepted 2,944 to 2,655 and strong mayor was accepted 3,779 to 1972 (Supervisor of Elections).

On March 9, 1993, the voters accepted a rule change that would further strengthen the mayor. The mayor had shared appointment power with the manager, but this referendum gave appointment power to the mayor and placed the manager position under the mayor (Resolution 16-93). The current mayor wanted the language of the mayor's appointment power in the charter clarified to resolve conflict of leadership (Engelhardt 1992a, 1B). A petition drive started in August of that year (Engelhardt 1992b). In November of that year the Chamber of Commerce of the Palm Beaches issued support for the proposed change (Engelhardt 1992c, 2B).

During the same year, a group began collecting signatures on a petition to move district representation from at-large to single-member district elections (*Palm Beach Post* 1993). An editorial in the local newspaper noted that the supporters wanted more representation, but opponents said the petition was for minorities to take control of the council (*Palm Beach Post* 1993, 2F). The editorial reminded readers that since the petition involved "fair representation," the voters should make that decision (*Palm Beach Post* 1993, 2F).

In 1994, the city commission did not think they would win the pending lawsuit filed by a Black resident to change to single-member districts, and decided to try to change the district

representation (*Palm Beach Post* 1994, 16A). However, there were several changes to the plan and by January the city commission was ready to set the March 1995 elections under the existing plan (Engelhardt 1995, 13B). However, just three days later the city commission settled on the original single-member district plan (Croft 1995, 1B).

Two years later (the time the city had to wait until the court order expired) a “coalition of neighborhood groups” set up a petition drive to return to at-large elections (Boles 1997a, 1B). The groups effort was supported by the “city’s blue-collar union,” but the proposed change was opposed by the Black councilwoman whose election started the single-member district lawsuit (Boles 1997b, 1B). On March 11, 1997, the referendum to change district representation back to at-large was accepted with 1,897 for and 647 against the change (Supervisor of Elections). The rules tested are presented in Table 6.06.

Table 6.06 West Palm Beach Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1953	yes yes	mayor appointment power direct elect mayor	no no	yes yes
1965	yes	full charter	yes	**
1976	yes	number of districts	yes	yes
1988	yes	full charter	yes	**
1991	yes yes yes yes	direct elect mayor adds mayor seat mayor veto power mayor appointment power	yes yes yes yes	yes yes yes yes
1993	yes	mayor appointment power	yes	yes
1995	no	district representation	yes	yes
1997	yes	district representation	yes	no

** designates multiple safeguards

6.02 Georgia Cities

There are three cities in the data sets: Athens, Atlanta, and Macon. These three cities are the oldest in the data set. These cities, like the Florida cities, have different characteristics with

regard to the context of change. The cities, also, differ in the types of rules that are important to the local citizens and the strategies employed to address those rules.

Athens

Athens is the oldest city in the data set. It was incorporated in 1806. Athens had a population of 28,180 in 1950 with 27.3 percent Black population (1950 U. S. Census). The city's Black population is the smallest of the three Georgia cities. Athens had steady growth except for the time period of 1970 to 1980 when the city lost population. The 1970 population was 44,342 and the population in 1980 was 42,549, but population increased by 1990 to 45,734 and with the consolidation with Clarke County in 1990 jumped to 100,266 by the year 2000 (U. S. Census).

During this same time period the Black population increased to 29 percent in 1960 then decreased to a low of 23 percent in 1970 and increased to 29.8 percent before the successful consolidation in 1990. With consolidation, the Black population decreased slightly to 27.4 percent in 2000. The Black community was only slightly below the critical level around the first consolidation attempt in 1969. Athens had four consolidation attempts: 1969, 1972, 1982, and the successful consolidation in 1990. These attempts to radically change the local constitution are discussed in Chapter 4.

There are only two other attempts to change the rules of interest to this study: 1973 and 1979. In 1973, after the second rejected consolidation attempt, Athens ran a referendum to annex adjacent territory (Ga. Law 1973 p. 2387). This would also increase the districts to six, district representation to twelve, and number of seats to twelve. The referendum was rejected on May 31, 1973. The same election date the voters were asked to abolish the elected position of the Civil Service Commission and grant the power to appoint members to the mayor (Ga. Law 1973 p. 2356).

The Athens' charter was revised in 1979 through an act of the Legislature. Little changed in this charter except for the elimination of a tax rate cap rule that was added in 1965 (Ga. Law 1965 p. 2746). This rule limited the ad valorem taxes to 9.8 mills of assessed value of property. However, this rule is not tested here. Athens constitutional attempts are presented in Table 7.06.

Table 6.07 Athens Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1969	yes	full charter – consolidation	no	**
1972	yes	full charter – consolidation	no	**
1973	yes	district representation	no	yes
	yes	number of districts	no	yes
	yes	number of seats	no	yes
	yes	mayor appointment power	yes	yes
1975	yes	mayor appointment power	no	no
1979	no	full charter	yes	**
1982	yes	full charter – consolidation	no	**
1990	yes	full charter – consolidation	yes	**

** designates multiple safeguards

Atlanta

Atlanta was incorporated in 1847. Atlanta began the time period with 331,314 residents with 36.6 percent Black citizens (1959 U. S. Census). Atlanta’s population increased until 1970 then began to decline until 1990 when the population began to rise again (U. S. Census). During this same period the Black population did not decline. It continued to increase their percentage of the population to a high of 67 percent in 1990 and then declined with the regrowth of Atlanta in the 1990s to 61.4 percent in 2000 (U. S. Census).

In 1951 Atlanta annexed a significant amount of Fulton County (Ga Law 1951 p. 3110) and about 96,000 residents (Holland 1952, 182). This effort involved several enabling bills from the legislature and was held as “The Greater Atlanta Plan of Improvement” and was opposed by the Fulton County Commission (May 1951, 1). This provided three extra districts for a total of nine districts (Ga Law 1951 p. 3110).

A reorganization plan in 1952 reduced the rule for the number of districts to eight (Ga Law 1952 p. 2635). This also reduced the number of aldermen to sixteen elected in at-large, in city-wide elections. This reorganization took effect in 1954, and reduced the seats from twenty seven total to seventeen total, two aldermen from each ward (Hancock 1954, 3). A president of

the board of aldermen, elected at-large, was added in 1953 (Ga Law 1953 p. 2798).

In 1966, a referendum was run to annex Sandy Springs and increase the number of wards to nine (Ga Law 1966 p. 3337). This referendum was held on May 11, 1966, but was not accepted (Ga Law 2000 p.CCXLIV). The elections would still be all at-large.

In 1973, the local legislative delegation began the final process of forming a new charter for Atlanta. The bill was introduced in the State House on January 9, 1973 with two controversial provisions: a reduction in the number of council members and an increase in the power of the mayor (Cutts 1973a, 8A).

The procedural safeguard in district representation, number of districts, and number of seats protected the minority population. Atlanta, in 1970, was 51.3 percent Black, so the white population preferred district representation. It is not surprising that the local NAACP opposed the proposed district election method (Bell 1973). They cited the weakening of Black voting power as a reason for opposition (Bell 1973, 21A). The Fulton County legislative delegation supported the charter (Cutts 1973b). One member of the Socialists Workers Party, who was running for mayor, said the proposed charter would decrease Black power in the city and wanted a local referendum to ratify the proposal (Cutts 1973c, 2C).

One of the representatives said he would allow the local charter bill to be treated as general legislation so it could be debated on the floor and push for a referendum on the charter (Cutts 1973d, 3A). The Georgia House passed the bill the next day with little opposition (Cutts 1973e, 8A). However, there were problems in the senate and at one point there were two charters proposed (Cutts 1973f, 22A). The bill that passed the Georgia Senate called for a mixed voting system of twelve, now termed council members, who would be elected by district and six elected at-large while the mayor became the executive but lost the power to appoint council committees (Cutts 1973g, 14A).

The citizens' procedural safeguard in the rules of referendum and initiative was increased in 1983. The rule provided that ordinances or resolutions submitted to the voters must be adopted; if defeated by voters the rule must be resubmitted before it could be adopted; and if adopted by the voters, then only the voters could repealed the rule (Ga Law 1984 p. 5376).

In 1990, the mayoral power of appointment was increased (Ga Law 1990 p. 4945). This

law provided the mayor with the power to appoint of all executive officers and Chief of Staff (Section 3.105) and in Section 3.201 the law removed the Chief Administrative Officer, the manager. This moved the city to a strong mayor form of government. The mayor wanted this reorganization to streamline government and provide greater economy through a reduction of employees (Hill and Sherman 1990, 4D).

Atlanta had a new charter passed through the Georgia Legislature in May 1996. The proposed charter reduced the size of the council from 18 members, 12 single members and 6 at-large members to 15 total with 12 single-member districts and 3 super districts (Helton 1996, JD 7). The plan had been shelved in February for fear of diluting the Black vote (Soto 1996a, 1C). However, members of a multi-racial religious group supported the change as a means for efficiency (Soto 1996b, B3). The legislative delegation agreed and decided to write enabling legislation to reduce the council by three at-large seats (Soto 1996c, B2). The Bill was approved by the Georgia Assembly on April 15, 1996 (Ga Law 1996, p. 4469). This rule change and the other proposed rules are presented in Table 6.08.

Table 6.08 Atlanta Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1951	no no no	district representation number of districts number of seats	yes yes yes	no yes yes
1952	no no no	district representation number of districts number of seats	yes yes yes	no no no
1953	no	seat for president	yes	yes
1966	yes yes yes	district representation number of districts number of seats	no no no	yes yes yes
1969	no no no	district representation number of districts number of seats	yes yes yes	no yes yes
1973	no	full charter	yes	**

Table 6.08 Atlanta Constitutional Change Attempts Cont.				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1983	no no	initiative referendum	yes yes	yes yes
1990	no	mayor appointment power	yes	yes
1996	no	full charter	yes	**

** designates multiple safeguards

Macon

Macon was incorporated in 1823. The city's population increased before the study period; in 1950 the city had 70,252 and a county population of 114,079 residents and during the next ten years lost population, while the county increased population (1950 U. S. Census; 1960 U. S. Census). In 1961, after the rejected 1960 consolidation charter, Macon ran an referendum to annex adjacent unincorporated territory (Ga Law 1961 p. 2441). The referendum, held on May 24, 1961, was accepted and extended the size of the city by one third and increased the population by an estimated 75 percent and made the city the third largest in Georgia (*Macon Telegraph* 1961, 1). However, this did not solve the population problem. By 1970, the city was still losing population and would continue to loose population through the rest of the study period. The year 2000 population was 97,255 (2000 U. S. Census). This was about 25 thousand residents less than the lowest 1961 estimate of population annexed.

Macon's Black population has always been above the critical level. In 1950, 42 percent of the population was Black and increased to 44 percent in 1960 (1950, 1960 U. S. Census). There was a decline in the Black population between 1960 and 1970 to 37 percent. This was probably due to the annexation. However the Black population again increased steadily to a high of 62.45 percent in the year 2000 (U. S. Census).

Early in 1955, a suburban homeowners' association sued the water board and city council. Suburban residents complained that their rates increased 38 percent while the city residents' rates increased only 9 percent (*Macon Telegraph*. 1955a). However, there was also a need for sewage disposal and this prompted the local groups to implore the legislative delegation to introduce a local bill for a disposal plant (*Macon Telegraph*. 1955b). In 1955, the city residents

began paying a sewer fee as part of their water bill (*Macon News* 1955a).

Racial problems were evident in the 1960s. In 1962 there was a three-week bus boycott to end segregation of the transit system which ended under negotiations and a court order (*Gainesville Daily Times* [Georgia] 1962).

Macon and Bibb County attempted consolidation three times during the fifty-year period: 1960, 1972, and 1976. These unsuccessful attempts are discussed in Chapter 4.

In 1975, Macon changed their electoral system from at-large elections to a mix of at-large and district representation (Ga Law 1975 p. 2799). There were still fifteen aldermen, but ten would be elected from five districts and five would be elected at-large. This was in response to a lawsuit filed by Black leaders citing voting rights discrimination, and this allowed five Black candidates to successfully win seats on the council (Howard 1979a, 8). It is little wonder that the consolidation attempt the next year was not accepted.

Macon revised its charter in 1977. The new charter had few changes and the electoral systems did not change (Ga. Law 1977 p. 3776). However, recall was provided in this charter and a taxing limit was also included.

Macon began to address their ethnic minority relations in the late 1970s and into the 1980s. This could have been a reaction to the increase in Black community population or the advent of the election of enough Black candidates to the council that began to mirror the Black population. In 1979, a Black Heritage special section of the local newspaper was produced to bring awareness to racial problems (*Macon Telegraph and News* 1979). One interesting aspect of the study was that there were two equally influential Black groups in the community that did not always see things in the same perspective (Howard 1979b, 9). In 1989, ten years later, the Macon/Bibb Interracial Council was formed to improve relations between different ethnic groups (Baron 1989). Again, this could have been in response to the increased percent of Blacks in the community. By 1990, Black citizens represented 52.2 percent of the city's population. They were now the majority. However, this was not the end of differences between the races. In 1998, there was disagreement on a proposed school bond referendum for facilities that would slight the Black community (Cass 1998). Several leaders were upset.

In 1986 and 1997, two rules passes the Georgia Assembly that addressed the mayor's veto

power. The first (Ga. Law 1986 p. 5744) required the mayor to provide a written reason for veto within the time frame, not just a veto. While the 1997 rule (Ga. Law 1997 p. 4752) removed some of the mayors veto power. This rule would not allow veto of certain council actions or adoption of amendments.

In 1999, after 179 years of Macon history, the first Black mayor was inaugurated in Macon (Savage 1999). The Black community now represented 62 percent of the population. A newspaper reported noted that the vote had been along racial lines and provided “. . . African-Americans complete control of city government” (Savage 1999, 1B). The proposed rules explored in this study are presented in Table 6.09

Table 6.09 Macon Constitutional Change Attempts				
<i>Year</i>	<i>Referendum</i>	<i>Rule Addressed</i>	<i>ACCEPT</i>	<i>Procedural Safeguard</i>
1960	yes	full charter – consolidation	no	**
1972	yes	full charter – consolidation	no	**
1974	no	mayor appointment power	yes	yes
1975	no no no	district representation number of districts number of seats	yes yes yes	yes yes yes
1976	yes	full charter – consolidation	no	**
1977	no	full charter	yes	**
1986	no	mayor veto power	yes	no
1997	no	mayor veto power	yes	no

** designates multiple safeguards

6.03 Conclusions

These short case studies of each city’s attempts to change rules and the context of the city provide a glimpse of why certain rule changes are advanced in the local constitution. The ethnicity balance in the community is important to the decision to accept or reject a proposed rule. The growth or decline of population also impacts the decision of rules. In Macon, Tampa, Pensacola, and West Palm Beach electoral rules for representation were salient. The Black

community had reached the critical numbers that could be linked to their desire for greater safeguards in the electoral system.

Different groups have a desire for rules that will protect their access to the governing structure. In Miami Beach, for example, the elderly population comprised the largest group and so desired at-large elections. However, the business community desired representation that would provide them access to the governing structure. The business community wanted district representation to assure that their preferences were addressed. This agrees with Maser (1998). Although the group that characteristically strives for representation in Southern cities is the Black community, in this case the non-majority group was the business community.

The next chapter will analyze the rules and the context of the communities. A comparative Boolean analysis is used to specify how they interact and what combinations are linked to the outcome.