

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

NATHAN PETERS, on
behalf of himself and all
others similarly situated,

Plaintiff,

vs.

MCA 86-2035-RV

GULF COUNTY, FLORIDA;
A. B. TRAYLOR; DOUGLAS
BIRMINGHAM; W. R. BRANCH;
EVERETT OWENS, JR., and ELDRIDGE
MONEY, County Commissioners,
their successors and agents, all
in their official capacity,

Defendants.

CONSENT JUDGMENT

On February 13, 1986, the above named Plaintiff filed a Complaint against the above named Defendants alleging that the at-large county-wide voting for members of the Gulf County Commission, Gulf County, Florida excludes black representation and participation and dilutes the voting strength of black citizens of Gulf County, in violation of Plaintiffs'

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rights as secured by the Voting Rights Act of 1965, 42 U.S.C. §1973 and the Civil Rights Act of 1871, 42 U.S.C. §1983.

The Court, having reviewed the status of the action, and being aided by the recommendations of the Plaintiff's and Defendants' counsel, and being of the opinion that the best interests of all parties and all citizens of Gulf County, Florida, would be served by approving this Consent Judgment, finds that said Judgment was entered into voluntarily by the parties, that it is a fair and reasonable settlement of this case, and that it should be approved.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. This decree extends to all issues regarding liability as set forth in the Complaint in this matter and to the class of Plaintiffs defined as all black citizens of Gulf County, Florida.

2. This Court has jurisdiction over the subject matter of this action and the parties thereto.

3. That pursuant to relevant Florida constitutional and statutory provisions, all members of the Gulf County Commission have been and are currently elected through county-wide at-large elections.

4. That due to a series of factors, including a past history of official racial discrimination in the State of Florida and certain social economic conditions of black citizens in Gulf County, the at-large election system for the Gulf County

Commission employing partisan elections with party primaries having a majority vote runoff requirement, numbered places and anti-single shot voting requirements has the effect of diluting and minimizing the voting strength of black citizens of Gulf County and thereby denying black citizens of Gulf County an equal opportunity to participate in the political process and to elect candidates of their own choice, in violation of the Plaintiffs' rights as secured by, inter alia, the Voting Rights Act of 1965.

5. Defendants are hereby enjoined from providing future county-wide at-large elections for Gulf County Commission members.

6. The parties shall establish a new election system consisting of five single-member districts. ~~The boundaries for~~ the five respective single-member districts are set forth in Exhibit 1, attached.

7. The voter registration totals for the five districts are as follows:

District 1: 1,399

District 2: 1,159

District 3: 1,393

District 4: 1,454

District 5: 1,533

8. The terms of office of the persons who are now serving as members of the Gulf County Commission for Districts 2 and 4

shall expire on the second Tuesday following the general election to be held in November of 1986, and they shall run for new four year terms under the single-member district plan to be implemented in 1986. The terms of office of the persons who are now serving as members of the Gulf County Commission for districts 1, 3, and 5 shall expire on the second Tuesday following the general election to be held in November of 1988, and they shall run for new four year terms under the single-member district plan in 1988.

9. The nomination of candidates by each political party holding a primary election during any election year beginning in 1986 shall be by vote of only the qualified electors residing in the member district in which the candidate for that district must also reside. No qualified elector may vote in the general election for a candidate residing in any other member resident's district.

10. As the prevailing party in this action, Plaintiff is entitled, pursuant to the Voting Rights Act of 1965, as amended, 42 U.S.C. Sec. 1973L(e), and the Civil Rights Attorney Fees Award Act of 1976, 42 U.S.C. §1988, to an award of attorney fees and litigation expense reimbursement. The parties shall endeavor to resolve this issue amicably, and if unable to do so, the Court will determine the amount after the appropriate motion is filed by Plaintiff.

11. The Court shall retain jurisdiction of this action for a period of not less than five (5) years following implementation of the single-member district plan described above.

DONE AND ORDERED this 17th day of June, 1986.

Susan Novotny
SUSAN NOVOTNY
United States Magistrate

Consent to the entry of this Judgment is hereby given for the parties by undersigned counsel:

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THOMAS A. WARREN
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Counsel for Defendants

CERTIFIED A TRUE COPY
ROBERT A. MOSSING, CLERK

By Justice
Deputy Clerk

DISTRICT 1:

Beginning at the intersection of the center lines of State Road No. 71 and Jehu Road in the City of Wewahitchka for the Point of Beginning; thence run Northeasterly and Northerly along the center line of said Jehu Road to the point of termination of said Jehu Road; thence extend last line described North to the thread of the channel of the West Arm of Dead Lakes; thence following the thread of the channel of the West Arm of Dead Lakes in an Easterly direction to a point of intersection with the East boundary line of Section 13, T4S, R10W; thence run North to the Northeast corner of said Section 13; thence run East along the North boundary line of Sections 18, 17, 16, and 15 of T4S, R9W to a point of intersection with the thread of the Apalachicola River; thence run Southerly following the thread of the Apalachicola River to a point of intersection with the South boundary line of Section 16, T7S, R8W; thence run West along the South line of Sections 16, 17 and 18 of T7S, R8W and Sections 13, 14, 15, 16, 17 and 18 of T7S, R9W and Section 13, T7S, R10W to the Southwest corner of Section 13, T7S, R10W; thence run North along the West boundary lines of Sections 13, 12 and 1 of T7S, R10W and Sections 36, 25, 24, 13, 12 and 1 of T6S, R10W and Sections 36, 25, 24, 13, 12 and 1 of T5S, R10W to a point of intersection with the center line of County Road No. 386; thence run Easterly along the center line of County Road 386 to the point of intersection with the center line of State Road 71; thence run North following the center line of State Road 71 to the POINT OF BEGINNING.

DISTRICT 2:

Beginning at the intersection of the center lines of State Road 71 and Jehu Road in the City of Wewahitchka for the Point of Beginning; thence run Northeasterly and Northerly along the center line of Jehu Road to the point of termination of Jehu Road; thence extend last line described North to the thread of the channel of the West Arm of Dead Lakes; thence following the thread of the channel of the West Arm of the Dead Lakes in an Easterly direction to a point of intersection with the East boundary line of Section 13, T4S, R10W; thence run North to the Northeast corner of said Section 13; thence run East along the North boundary lines of Section 18, 17, 16, and 15 of T4S, R9W to a point of intersection with the thread of the Apalachicola River; thence run Northerly following the thread of the Apalachicola River to the point of intersection with the Gulf-Calhoun County line; thence run West following said County line to a point of intersection with the Bay County line, the same being the Northwest corner of Section 30, T3S, R11W; thence run South following the Gulf-Bay County line to the Southwest corner of Section 7, T6S, R11W; thence run East along the South lines of Sections 7, 8, 9, 10, 11 and 12 of T6S, R11W and Sections 7, 8, 9, 10 and 11 of T6S, R10W to the Southeast corner of Section 11, T6S, R10W; thence run North along the East boundary lines of Sections 11 and 2 of T6S, R10W and Sections 35, 26, 23, 14, 11 and 2 of T5S, R10W to the center line of County Road No. 386; thence run Easterly along the center line of County Road No. 386 to the point of intersection with the center line of State Road 71; thence run Northerly along the center line of State Road 71 to the POINT OF BEGINNING.

DISTRICT 3:

Beginning at a point of the Gulf-Bay County line, said point being the Northwest corner of Section 18, T6S, R11W and run East along the North line of Sections 18, 17, 16, 15, 14 and 13 of T6S, R11W and Sections 18, 17, 16, 15 and 14 of T6S, R10W to the Northeast corner of Section 14, T6S, R10W; thence run South along the East line of Sections 14, 23, 26 and 35 of T6S, R10W and Sections 2, 11, 14 and 23 of T7S, R10W to the Southeast corner of Section 23, T7S, R10W; thence run West along the South line of Sections 23, 22, 21, 20 and 19 of T7S, R10W and Section 24, T7S, R11W to a point where the center line of the Gulf County Canal intersects the South line of Section 24, T7S, R11W; thence run Southwesterly following the center line of said Gulf County Canal to the point of intersection with the center line of U. S. Highway 98; thence run Southerly following the said center line of U. S. Highway 98 to a point of intersection with the center line of Monument Avenue in the City of Port St. Joe; thence continue running Southerly following the center line of said Monument Avenue to a point of intersection with the center line of Allen Memorial Way in the City of Port St. Joe; thence run Easterly following the center line of said Allen Memorial Way to the point of intersection with Long Avenue in the City of Port St. Joe; thence run Southerly following the center line of said Long Avenue to the point of intersection with the South boundary line of the City of Port St. Joe; thence run West following the South boundary line of the City of Port St. Joe to a point on the Easterly shore line of St. Joseph Bay; thence run Northerly following the Easterly shore line of St. Joseph Bay and the Gulf of Mexico to a point of intersection with the Gulf-Bay County line; thence run North along the Gulf-Bay County line to the Northwest corner of Section 18, T6S, R11W to the

DISTRICT 4:

Beginning at the point of intersection of the center line of the Gulf County Canal and the center line of U. S. Highway 98 for the Point of Beginning; thence run Southerly along the center line of said U. S. Highway 98 to the center line of Tenth (10th) Street in the City of Port St. Joe; thence run Easterly along the center line of said Tenth (10th) Street to the West boundary line of Section 6, T8S, R10W; thence run South along the West boundary line of said Section 6, T8S, R10W to the Southwest corner of Section 6, T8S, R10W; thence run East along the South boundary lines of Sections 6, 5, 4, 3, 2 and 1 of T8S, R10W and Section 6, T8S, R9W to a point of intersection with the Westerly shore line of Lake Wimico; thence run Southerly following the Southerly and Westerly shore line of Lake Wimico to a point on the Gulf-Franklin County line; thence run Easterly and Northerly following the Gulf-Franklin County line (which is the center line of Jackson River and the center line of the Apalachicola River) to the point of intersection with the North boundary line of Section 21, T7S, R8W; thence run West along the North boundary line of Sections 21, 20 and 19 of T7S, R8W and Sections 24, 23, 22, 21, 20 and 19 of T7S, R9W and Section 24, T7S, R10W to the Northwest corner of said Section 24, T7S, R10W; thence run South along the West boundary line of said Section 24 to the Southwest corner of said Section 24; thence run West along the North boundary line of Sections 26, 27, 28, 29 and 30 of T7S, R10W and Section 25, T7S, R11W to the point of intersection with the center line of the Gulf County Canal; thence run Southwest following the center line of the said Gulf County Canal to the POINT OF BEGINNING.

DISTRICT 5:

Beginning at the point of intersection of the center line of Tenth (10th) Street in the City of Port St. Joe and the center line of Monument Avenue for the Point of Beginning; thence run Southerly along the center line of Monument Avenue to the point of intersection with the center line of Allen Memorial Way; thence run Easterly along the center line of Allen Memorial Way to the center line of Long Avenue; thence run Southerly along the center line of Long Avenue to a point of intersection with the South boundary line of the City of Port St. Joe; thence run West along the South boundary line of the City of Port St. Joe to a point on the Eastern shoreline of St. Joseph Bay; thence run Southerly, Westerly and Northerly following the meanders of the shore line of St. Joseph Bay to a point on the Northerly most point of St. Joseph Peninsula; thence run in a Southerly direction following the shore line of the Gulf of Mexico and St. Joseph Peninsula to the extreme Southerly most point of Cape San Blas; thence run Northerly and Easterly following the shore line of the Gulf of Mexico to the point of intersection with the Gulf-Franklin County line; thence run Northeasterly along the Gulf-Franklin County line to the point of intersection with the Southerly shore line of Lake Wimico; thence run Westerly and Northwesterly following the Southerly and Westerly shore line of Lake Wimico to the point of intersection with the South boundary line of Section 6, T8S, R9W; thence run West along the South boundary line of Section 6, T8S, R9W and Sections 1, 2, 3, 4, 5 and 6 of T8S, R10W to the Southwest corner of Section 6, T8S, R10W; thence run North along the West boundary line of said Section 6 to the point of intersection with the center line of Tenth (10th) Street in the City of Port St. Joe; thence run Westerly along the center line of Tenth (10th) Street to the