

LEE COUNTY ORDINANCE NO. 04-10

AN ORDINANCE OF LEE COUNTY RELATING TO CERTAIN PROPOSED AMENDMENTS TO LEE COUNTY ORDINANCE NO. 96-01, AS AMENDED, THE LEE COUNTY CHARTER; PROVIDING FOR THE BALLOT TITLES, BALLOT QUESTIONS AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING FOR EFFECTIVE DATES FOR THE AMENDMENTS IF APPROVED BY REFERENDUM ELECTION FOR APPROVAL OF THE PROPOSED AMENDMENTS; PROVIDING DIRECTION FOR BALLOT LANGUAGE; PROVIDING AUTHORIZATION FOR PLACING THE PROPOSED CHARTER AMENDMENTS ONTO THE REFERENDUM BALLOT FOR NOVEMBER 2, 2004, PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, Lee County is a Florida charter county as established by Article VIII, Section 1(f), Florida Constitution, Section 125.80, Fla. Stat., and Lee County Ordinance No. 96-01, as amended; and,

WHEREAS, Article IV of Lee County Ordinance No. 96-01, as amended, provides that the County may amend its Charter by a vote of the electors of the County; and,

WHEREAS, Article IV, Section 4.1 B. provides for a Charter Review Committee method of amending the Lee County Charter whereby proposed Amendments are submitted by a Charter Review Committee for Board of County Commissioners' approval; and,

WHEREAS, the Board of County Commissioners is required to call an election referendum to determine whether the Charter Amendments as directed by the Board of

County Commissioners contemplated by Article IV of Ordinance No. 96-01, as amended, shall be adopted by the electorate by vote at the General Election of November 2, 2004; and,

WHEREAS, each proposed Charter Amendment that is approved by the electorate at the General Election shall be incorporated into the Lee County Charter (Ordinance No. 96-01, as amended) as further Amendments to the County's Charter; and,

WHEREAS, the adoption of this Ordinance shall provide the appropriate legal mechanism to effect and accomplish the addition of the approved Amendments into the Lee County Charter as they may be approved by the electorate at the General Election of November 2, 2004.

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

PARAGRAPH ONE:

The Board of County Commissioners of Lee County, Florida, hereby proposed by the adoption of this Ordinance, the following Charter Amendments to Lee County Ordinance No. 96-01, as amended, the Lee County Charter (Exhibit A., hereto), for the continued governance of Lee County, Florida as a Chapter 125.80, Fla. Stat., Charter County, and as are approved by the electorate of Lee County at the November 2, 2004, General Election.

PARAGRAPH TWO:

The proposed Amendments to the Lee County Charter (Lee County Ordinance

No. 96-01, as amended), to include the ballot title, ballot question and text for the Amendments, are as follows:

SEE EXHIBIT A., ATTACHED HERETO

PARAGRAPH THREE:

The Amendments to the Charter of Lee County, Florida, as proposed by this Ordinance (Exhibit A.) shall become effective January 1, 2005 if the Amendments to the Charter are approved by a "yes" vote of a majority of those duly qualified electors voting on the question posed at the November 2, 2004 Referendum, and shall be incorporated into and become a part of the Lee County Charter (Ordinance No. 96-01, as amended) as the result of the approval of the Amendments by the electorate. If a majority of those voting shall not vote "yes" to the Amendments as proposed in Exhibit A., such proposed Amendments to the Charter shall not be adopted and said proposed Amendments to the Charter and its provisions as proposed in this Ordinance, shall be of no force or effect.

PARAGRAPH FOUR:

The proposed Amendments to the Charter of Lee County, Florida (Exhibit A.), shall be presented to the qualified Lee County electorate by placing the question of whether to adopt same on the Ballot at a Special Referendum Election to be held at the General Election to be conducted on Tuesday, November 2, 2004.

PARAGRAPH FIVE:

The questions on the ballot for the proposed Amendments shall be substantially in the following form:

SEE EXHIBIT A., ATTACHED HERETO

PARAGRAPH SIX:

The Board of County Commissioners of Lee County, Florida, is hereby authorized to adopt all Resolutions and to take all actions necessary in order that the proposed Amendments to the Charter are properly placed on the Special Referendum Ballot to be held at the General Election to be held November 2, 2004. Said Referendum shall be conducted according to the requirements of law governing Referendum Elections in the State of Florida.

PARAGRAPH SEVEN:

It is hereby declared to be the legislative intent of the Board of County Commissioners that if any section, subsection, sentence, clause or provision of this Ordinance is held to be void or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall in no way be otherwise legally affected.

PARAGRAPH EIGHT:

This Ordinance shall become effective upon the receipt of official acknowledgment that it has been duly filed with the Secretary of State of Florida, but shall be of no further force or effect if the proposed Charter Amendments (Exhibit A.

hereto) are not approved by the electorate at the November 2, 2004 Special Referendum.

The foregoing Ordinance was duly passed and adopted by the Lee County Board of County Commissioners on this 22nd day of June, 2004, at a noticed public hearing.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

By: *Joan Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *Sam E. Allison*
Chairman



APPROVED AS TO FORM:

By: *[Signature]*
Office of the County Attorney

EXHIBIT A.

AMENDMENT 1 TO LEE COUNTY CHARTER

Title: County Charter Revision Relating to Petition Signatures for County Ordinances by Citizen Initiative

Summary: County Charter Amendment that provides for limiting the number of petition signatures for (a) County Ordinance(s) proposed by citizen initiative, to no more than thirty percent (30%) of the total number of signatures required in any single County Commission District.

Yes, For Approval _____

No, For Rejection _____

ART. II, SECTION 2.2 H. (1)

H. Initiative.

(1) The electors of Lee County shall have the right to initiate County ordinances in order to establish new ordinances and to amend or repeal existing ordinances upon petition of qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least five percent (5%) of the electors qualified to vote in the last preceding general election. No more than thirty percent (30%) of the total number of signatures required will be allowed in any single Board of County Commission District.

AMENDMENT 2 TO LEE COUNTY CHARTER

Title: County Charter Revision Providing for Time of Appointment and Composition of the Charter Review Committee

Summary: County Charter Amendment that provides for appointments to the Charter Review Committee to be made by the Board of County Commissioners eighteen (18) months prior to the General Election rather than twelve (12) months, and excluding the Lee County Constitutional Officers from Charter Review Committee membership.

Yes, For Approval _____

No, For Rejection _____

ART. IV, SECTION 4.1 B (1)

B. Amendments and Revisions by Charter Review Committee

(1) A Charter Review Committee consisting of fifteen (15) electors of the County shall be appointed by the Board of County Commissioners at least ~~twelve (12)~~ eighteen (18) months ~~before~~ prior to the general election held every four (4) years after the general election occurring in ~~1996~~ 2004. The Charter Review Committee shall review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the State Legislature, the Board of County Commissioners, any County Constitutional Officer, nor any elected officer of a municipality shall be a member of the Charter Review Committee. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.



FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF LIBRARY AND INFORMATION SERVICES

June 30, 2004

Honorable Charlie Green
Clerk of Circuit Court
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Dear Mr. Green:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated June 28, 2004 and certified copies of Lee County Ordinance Nos. 04-08 through 04-11, which were filed in this office on June 29, 2004.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

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