

LEE COUNTY ORDINANCE NO. 14-12

AN ORDINANCE OF LEE COUNTY AMENDING LEE COUNTY ORDINANCE NO. 08-15, PURSUANT TO THE PROVISIONS OF SECTION 125.80, FLORIDA STATUTES, ET SEQ., "THE OPTIONAL COUNTY CHARTER LAW"; RELATING TO THE LEE COUNTY CHARTER AND THE PROVISIONS THEREOF ON COUNTY COMMISSION TERM LIMITS; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; PROVIDING FOR CONFLICTS OF LAW, SEVERABILITY, CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS, AND EFFECTIVE DATE.

WHEREAS, Article VIII, Section 1.(c) & (g), Florida Constitution, provides that a county government may, pursuant to general law be established by charter, as adopted by vote of the electors of the county; and,

WHEREAS, Florida Statutes Section 125.80, et al., provides a statutory method whereby a county not having a charter form of government may locally initiate a county Home Rule Charter; and,

WHEREAS, the Board of County Commissioners, on January 3, 1996, duly passed and adopted Ordinance No. 96-01, which called for an election referendum to determine whether the Charter should be adopted; and,

WHEREAS, on November 5, 1996, the Proposed Charter of Lee County, Florida was presented to the qualified Lee County electorate by placing the question of whether to adopt same on the Ballot at a Special Referendum Election; and,

WHEREAS, the Proposed Charter was voted for adoption by Ballot at the Special Referendum Election and became effective on January 1, 1997; and,

WHEREAS, Article IV, Section 4.1 C. provides for a Board of County Commissioners' method of amending the Lee County Charter whereby proposed Amendments are directed by the Board of County Commissioners to ballot; and,

WHEREAS, the Board of County Commissioners proposes to amend Lee County Ordinance No. 08-15, Article II., relating to limiting the consecutive terms of County Commissioners; and

WHEREAS, the proposed amendment would limit Commissioners to serving no more than three (3) consecutive terms on the Board.

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

SECTION ONE:

This Ordinance amends Lee County Ordinance No. 08-15, as set forth herein. The amendments and revisions set forth in the following Section is hereby adopted, with strike through type being the language deleted and underlined text being language added.

SECTION TWO:

Article II, Organization of County Government, Section 2.2: Legislative Branch of Lee County Ordinance No. 08-15, is hereby further amended to read as follows:

ARTICLE II

ORGANIZATION OF COUNTY GOVERNMENT

Section 2.2: Legislative Branch

A. The County Commission Composition, Election and Terms of Members.

(1.) Composition and Election

The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four (4) years. There shall be one Commissioner for each of the five (5) County Commission districts established pursuant to general law and they shall be elected in a partisan election on a county-wide basis by the electors of the County. Each County Commissioner during the term of office shall reside in the district from which such County Commissioner ran for office, provided that any County Commissioner who is removed from a district by redistricting may continue to serve during the balance of the term of office.

(2). Terms of County Commissioners.

No Commissioner shall serve more than three (3) consecutive terms on the Board. No previous term in office which is in progress as of November 2014, shall be considered a term of service for purposes of the limitations contained herein.

SECTION THREE: CONFLICTS OF LAW

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or Statute, the most restrictive requirements will apply.

SECTION FOUR: SEVERABILITY

It is declared to be the legislative intent that if any section, subsection, sentence, clause or provision of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected

SECTION FIVE: CODIFICATION, INCLUSION IN CODE AND SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County code; and that sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section", "article", or other such appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this Ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Manager or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court.

SECTION SIX: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION SEVEN: EFFECTIVE DATE

This Ordinance shall be effective upon the receipt of official acknowledgment that it has been duly filed with the Secretary of State of Florida, but the Amendment at Section 2.2 shall be of no further force or effect if the Proposed Amendment is not duly approved at the November 4, 2014, Special Referendum Election.

(Balance of Page Left Blank Intentionally)

Commissioner Manning made a motion to adopt the foregoing ordinance,
seconded by Commissioner Mann. The vote was as follows:

JOHN E. MANNING	<u>Aye</u>
CECIL L PENDERGRASS	<u>Aye</u>
LARRY KIKER	<u>Aye</u>
BRIAN HAMMAN	<u>Aye</u>
FRANK MANN	<u>Aye</u>

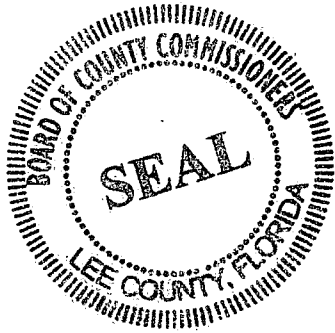
DULY PASSED AND ADOPTED THIS 3rd day of June, 2014.

**ATTEST: LINDA DOGGETT
CLERK OF COURTS**

BY: Marcia Wilson
Deputy Clerk

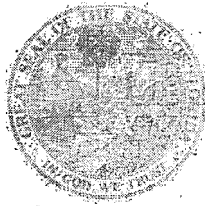
**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

BY: Larry A.
Chair



**APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:**

BY: Andrea B. Furr
Office of the County Attorney



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 5, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Lisa Pierce, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-12, which was filed in this office on June 5, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

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