

LEE COUNTY RESOLUTION NO. 08-06-86

**A RESOLUTION PRESENTING REFERENDUM QUESTIONS FOR PROPOSED AMENDMENTS TO THE LEE COUNTY CHARTER PURSUANT TO SECTION 125.80, FLORIDA STATUTES, "OPTIONAL COUNTY CHARTER LAW", AND LEE COUNTY ORDINANCE NO. 96-01, AS AMENDED.**

**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 C. provides for a Board of County Commissioners' method of amending the Lee County Charter whereby proposed Charter Amendments are directed by the Board of County Commissioners to the ballot; 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 4, 2008.

NOW THEREFORE, BE IT RESOLVED that:

1. This Resolution is authorized by Section 125.80, Fla. Stat., Lee County Ordinance No. 96-01, as amended, and other applicable Florida laws.

2. The Referendum questions as called for per Lee County Ordinance No. 96-01, as amended, and as further stated herein, shall take effect if approved by a majority of the qualified electors of the County voting on said County-wide Special Referendum questions in the General Election of November 4, 2008. All duly registered voters of the County, without regard to party affiliations, shall be allowed to participate and vote in such Special Referendum Election.
3. The Supervisor of Elections of Lee County is hereby directed to present the attached ballot questions (Exhibit A, hereto) to the voters of Lee County, Florida, and to hold the Special Referendum Election thereon, on the General Election date of November 4, 2008.
4. The Special Referendum Election shall be held at the polling places duly designated in each precinct in Lee County and be conducted by election officials duly appointed by applicable General Law. The hours of election, absentee voting, canvassing, delivery of ballots and publication of notice of the Referendum question shall be as provided by the requirements of law. Said election and all proceedings shall be conducted according to the requirements of the Florida Election Laws.
5. The Board of County Commissioners or its designees are hereby authorized to take all those actions necessary in order that these Referendum propositions are properly placed on the ballot for the General Election of November 4, 2008.

6. A copy of Exhibit A hereto, shall be advertised in accordance with the provisions of Section 100.342, Fla. Stat., to insure public notice of the Referendum propositions. Proof of publication shall be provided to the Chairman of the Board of County Commissioners for Lee County.
7. This Resolution shall become effective immediately upon its adoption.

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

BOB JANES	<u>AYE</u>
BRIAN BIGELOW	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
FRANK MANN	<u>AYE</u>

DULY PASSED AND ADOPTED THIS 24<sup>th</sup> day of June, 2008.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BY: Marcia Wilson

Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]

Commissioner ~~Ray Judah~~ Chair

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 the Non-Partisan Election of the Supervisor of Elections.

Summary: County Charter Amendment creating a new Section 3.2, "Non-Partisan Elections"; changing the Office of Supervisor of Elections from partisan to non-partisan; provides if three (3) or more candidates qualify for the Supervisor of Elections, the names of all candidates shall be placed on the Primary Ballot with no party affiliation. If no candidate receives a majority of the vote, the two (2) candidates receiving the highest number of votes will be placed on the General Election ballot.

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

## ARTICLE III

### ELECTED COUNTY CONSTITUTIONAL OFFICES

#### Section 3.1: Elected County Constitutional Offices

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as independent, elected constitutional officers and the powers, duties and functions shall not be altered by this Home Rule Charter, except as provided in Section 3.2: Non-Partisan Elections (below). The Constitutional officers shall perform their executive and administrative functions as specified by general law.

#### Section 3.2: Non-Partisan Elections

The Supervisor of Elections shall be non-partisan.

##### A. Non-Partisan Election Procedures

If three (3) or more candidates, none of whom is a write-in candidate, qualify for such office, the names of those candidates shall be placed on a non-partisan ballot at the first primary election. If no candidate for such office receives a majority of the votes cast for such office in the first primary election, the names of the two (2) candidates receiving the highest number of votes for such office shall be placed on the general election ballot.

##### B. Qualification by Petition

A candidate for non-partisan office may qualify for election to such office by means of the petitioning process as provided by general law.

C. Legislative Intent

It is the intent of the people of Lee County that the provisions of this section with respect to the election of the Supervisor of Elections on a non-partisan basis is an exercise of their constitutional prerogative to choose this county officer in another manner as provided in Article VIII, section 1(d) of the Constitution of Florida. This section will not otherwise be construed to alter, transfer, diminish or abolish any of the powers, duties or responsibilities of said office now or hereafter existing under the Constitution and general laws of Florida.



**AMENDMENT 2 TO LEE COUNTY CHARTER**

Title: Revising Article IV., Section 4.1 of the County Charter establishing an independent Charter Review Commission.

Summary: County Charter Amendment creating an independent Charter Review Commission appointed by the Board of County Commissioners to meet every eight (8) years after the general election of 2008 to propose any Charter amendments. Proposed amendments receiving an affirmative vote of three-fifths (3/5) approval of the entire membership of the Commission shall be submitted to the County Commission. Proposed amendments receiving four-fifths (4/5) approval of the entire membership of Commission shall be placed directly onto the next General Election ballot.

Yes, For Approval \_\_\_\_\_

No, For Rejection \_\_\_\_\_

**ARTICLE IV**  
**HOME RULE CHARTER AMENDMENTS, CHARTER REVIEW,**  
**TRANSITION, SEVERANCE, EFFECTIVE DATE**

Section 4.1: Home Rule Charter Amendments

B. Amendments and Revisions by Charter Review Committee Commission.

(1) A Charter Review Committee Commission consisting of fifteen (15) electors of the County shall be appointed by the Board of County Commissioners at least eighteen (18) months prior to the general election held every ~~four (4)~~ eight (8) years after the general election occurring in ~~2004~~ 2008. The Charter Review Committee Commission 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 nor any Contract employees of the Board of County Commissioners nor persons employed as aides to individual County Commissioners shall be a member of the Charter Review Committee Commission. Vacancies shall be filled within thirty (30) days in the same manner as the original appointments.

(2) The Charter Review Committee Commission shall meet for the purpose of organization within thirty (30) days after the appointments have been made. The Charter Review Committee Commission shall elect a chairman and vice chairman

from among its membership. Further meetings of the Charter Review ~~Committee~~ Commission shall be held upon the call of the chairman or a majority of the members of the Charter Review ~~Committee~~ Commission. All meetings shall be open to the public. A majority of the members of the Charter Review ~~Committee~~ Commission shall constitute a quorum. The Charter Review ~~Committee~~ Commission may adopt such other rules for its operations and proceedings as it deems desirable. Members of the Charter Review ~~Committee~~ Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to general law.

(3) A budget for the Charter Review ~~Committee~~ Commission shall be set by the Board of County Commissioners. Within the budget limits set by the County Commission, the Charter Review ~~Committee~~ Commission may employ a staff, consult with and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable.

(4) The Charter Review ~~Committee~~ Commission shall hold at least three ~~(3)~~ public hearings at intervals of not less than ten (10) days nor more than twenty (20) days on any proposed Charter amendment or revision, ~~and no Charter amendment or revision shall be submitted to the County Commission for consideration unless favorably voted upon by an affirmative vote of a two-thirds (2/3) majority of the entire membership of the Charter Review Committee.~~ Any proposed Charter amendment or revision that receives an affirmative vote of three-fifths (3/5) approval of the entire membership of the Charter Review Commission shall be submitted to the County Commission for its consideration. Any proposed Charter amendment or revision that receives four-fifths (4/5) approval of the entire membership of the Charter Review Commission shall be

placed directly on to the next general election ballot by the County Commission. If a majority of the electors voting on the proposed amendments or revisions to the Charter placed on the ballot favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.

(5) No later than one hundred and twenty (120) days prior to the general election, the Charter Review ~~Committee~~ Commission shall deliver to the Board of County Commissioners ~~the proposed amendments or revisions, those revisions or amendments to the Charter approved by the Charter Review Commission by three-fifths (3/5) vote, if any to the Home Rule Charter.~~ The Board of County Commissioners shall promptly review the proposals as approved by the Charter Review ~~Committee~~ Commission. If approved by a majority of the membership of the Commission, the County Commission shall place the proposals on the next general election ballot. If a majority of the electors voting on the amendments or revisions to the Charter favor adoption, such amendments or revisions shall become effective on January 1 of the succeeding year or such other time as the amendment or revision shall provide.

(6) If the Charter Review ~~Committee~~ Commission does not submit any proposed Charter amendments or revisions to the Board of County Commissioners at least one hundred and twenty (120) days prior to the general election, or place any amendments or revisions directly onto the ballot, the Charter Review ~~Committee~~ Commission shall be automatically dissolved. Otherwise, upon acceptance or rejection of the proposed amendments or revisions by the County Commission, the Charter Review ~~Committee~~ Commission shall be automatically dissolved. Upon dissolution of the Charter Review ~~Committee~~ Commission, all property of the Charter Review ~~Committee~~ Commission shall thereupon become the property of the County.