

LEE COUNTY ORDINANCE NO. 00-09

AN ORDINANCE OF LEE COUNTY RELATING TO A CERTAIN PROPOSED AMENDMENT TO LEE COUNTY ORDINANCE NO. 96-01, THE LEE COUNTY CHARTER; PROVIDING FOR THE BALLOT TITLE, BALLOT QUESTION AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING FOR EFFECTIVE DATES FOR THE AMENDMENT IF APPROVED BY REFERENDUM VOTE; PROVIDING FOR A SPECIAL REFERENDUM ELECTION FOR APPROVAL OF THE PROPOSED AMENDMENT; PROVIDING DIRECTION FOR BALLOT LANGUAGE; PROVIDING AUTHORIZATION FOR PLACING THE PROPOSED CHARTER AMENDMENT ONTO THE REFERENDUM BALLOT FOR NOVEMBER 7, 2000; 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, Florida Statutes, and Lee County Ordinance No. 96-01; and,

WHEREAS, Article IV of Lee County Ordinance No. 96-01 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 Amendment as directed by the Board of County Commissioners contemplated by Article IV of Ordinance No. 96-01 shall be adopted by the

electorate by vote at the general election of November 7, 2000; 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 an Amendment to the County's Charter; and,

WHEREAS, the adoption of this Ordinance shall provide an 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 7, 2000.

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 proposes by the adoption of this Ordinance, the following Charter Amendment to Lee County Ordinance No. 96-01, the Lee County Charter (Exhibit A., hereto), for the continued governance of Lee County, Florida as a Chapter 125.80, Florida Statutes, Charter County, and as is approved by the electorate of Lee County at the November 7, 2000, general election.

PARAGRAPH TWO:

The proposed Amendment to the Lee County Charter (Lee County Ordinance No. 96-01), to include the ballot title, ballot question and text for the Amendment, is as follows:

SEE EXHIBIT A., ATTACHED HERETO

PARAGRAPH THREE:

The Amendment to the Charter of Lee County, Florida, as proposed by this Ordinance (Exhibit A.) shall become effective January 1, 2001 if the Amendment to the Charter is approved by a "yes" vote of a majority of those duly qualified electors voting on the question posed at the November 7, 2000 Referendum, and shall be incorporated into and become a part of the Lee County Charter (Ordinance No. 96-01) as the result of the approval of the Amendment by the electorate. If a majority of those voting shall not vote "yes" to the Amendment as proposed in Paragraphs Two and Four herein (Exhibit A.), such proposed Amendment to the Charter shall not be adopted and said proposed Amendment to the Charter and its provisions as proposed in this Ordinance, shall be of no force or effect.

PARAGRAPH FOUR:

The proposed Amendment 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 7, 2000.

PARAGRAPH FIVE:

The question on the ballot 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 Amendment to the Charter is properly placed on the Special Referendum Ballot to be held at the general election to be held November 7, 2000. 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 Amendment (Exhibit A. hereto) is not approved by the electorate at the November 7, 2000 Special Referendum.

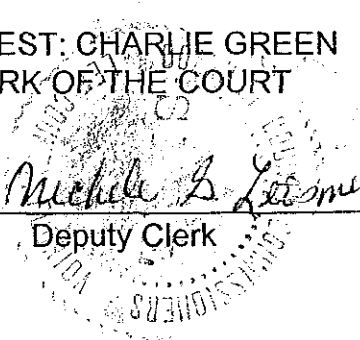
The foregoing Ordinance was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Coy and, being put to a vote, the vote was as follows:

JOHN MANNING	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW COY	<u>AYE</u>
JOHN ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 9th day of May, 2000.

ATTEST: CHARLIE GREEN
CLERK OF THE COURT

By: Michele S. Lesmer
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: John E. Albion
Chairman

APPROVED AS TO FORM:

By: [Signature]
Office of the County Attorney

EXHIBIT A.

County Charter Revisions Relating to Adoption of County Ordinances by Citizen Initiative

County Charter Amendment that provides for single subject matter limitation for Ordinances proposed by citizen initiative; provides that the Board of County Commissioners may amend or repeal such Ordinances only by a vote of a majority plus one of the Board membership after the period of one year from the effective date of the Ordinances.

Yes, For Approval _____

No, For Rejection _____

AMENDMENT 1

ARTICLE II - ORGANIZATION OF COUNTY GOVERNMENT

Section 2.2: Legislative Branch

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. Each such proposed ordinance shall embrace but one subject and matter directly connected therewith. 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.
2. The sponsor of an initiative ordinance shall, prior to obtaining any signatures, submit the text of the proposed ordinance to the Supervisor of Elections, with the form on which, signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over into another identical

or similar petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within forty-five (45) days verify the signatures thereon.

3. Within forty-five (45) days after the requisite number of names have been verified by the Supervisor of Elections and reported to the Board of County Commissioners, the Board of County Commissioners shall notice and hold according to general law a public hearing on the proposed ordinance and vote on it. If the Board of County Commissioners fails to enact the proposed ordinance at the public hearing, it shall, at the public hearing, by resolution, call for a referendum on the question of the adoption of the proposed ordinance to be held at the next general election occurring at least ninety (90) days after the adoption of such resolution. If the question of the adoption of the proposed ordinance is approved by a majority of those registered electors voting on the question, the proposed ordinance shall be declared by *resolution of the Board of County Commissioners to be enacted and shall become effective on the date specified in the ordinance, or, if not so specified, on January 1 of the succeeding year.* The Board of County Commissioners shall not amend or repeal an ordinance adopted by this initiative procedure for a period of one year after the effective date of such ordinance and thereafter may amend or repeal such ordinance only by an affirmative vote of at least a majority plus one of its membership.