

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040651

1. REQUESTED MOTION:

ACTION REQUESTED: Conduct a public hearing at 5:00 p.m. to consider the adoption of a County Resolution directing the Charter Review Committee II's proposed Amendments that the Board deems appropriate, to the Supervisor of Elections for placement on the November 2, 2004 ballot.

WHY ACTION IS NECESSARY: Section 101.161, Fla. Stat., requires that questions presented to the electorate on the General Election ballot, be directed to the Supervisor of Elections by County Ordinance or Resolution.

WHAT ACTION ACCOMPLISHES: Provides necessary authorizations for the placement of Charter Amendment(s) ballot questions to the voters at the November 2, 2004 election.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # CW

5:00 # 10

3. MEETING DATE:

06-22-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:**
20 minutes

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE §101.161, Fla. Stat.
- ORDINANCE 96-01
- ADMIN. CODE
- OTHER Lee County Charter

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER**
- B. DEPARTMENT** County Attorney
- C. DIVISION** General Services
- BY:** David M. Owen
Chief Assistant County Attorney

[Signature]
4/1

7. BACKGROUND:

At the June 1, 2004 meeting of the Board of County Commissioners, the Board received the Final Report from the Charter Review Committee II which contained three (3) proposed Amendments to the Lee County Charter.

The three proposed Amendments are as follows:

(BACKGROUND CONTINUED - NEXT PAGE)

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i> 4/1/04	OA	OM	RISK	GC	<i>[Signature]</i> 6-3-04

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATT. 6/1/04
FORWARDED TO CO. ADMIN.

RECEIVED BY COUNTY ADMIN:
[Signature]
3-3-2004
COUNTY ADMIN FORWARDED TO:
[Signature]
6-3-04
[Signature]

DS

BACKGROUND: (Continued)

Proposed Amendment No. 1. revises Article II, Section 2.2.H. of the Charter relating to the adoption of County Ordinances by initiative. Currently, there are no geographical limitations on the location(s) for initiative signatures. The proposed Amendment places a “cap” of thirty percent (30%) on the number of initiative signatures that may be obtained from any single Commission District so that initiative issues proposing County Ordinances will be truly “County-wide” matters. No change is made to the percentage for the total number of signatures needed for the initiative, which is five percent (5%) of the electors qualified to vote in the last General Election (see attached verbiage).

Proposed Amendment No. 2. revises Article IV, Section 4.1.A. of the Charter relating to the adoption of Amendments to the Charter by initiative. Like Amendment No. 1. above, a thirty percent (30%) “cap” is placed on the number of initiative signatures that may be obtained from any single Commission District. Also, as in Proposed Amendment No. 1. above, there is no change to the total number of signatures required for the initiative, which is seven percent (7%) of the electors qualified to vote in the last General Election (see attached verbiage).

Proposed Amendment No. 3. revises two parts of Article IV, Section 4.1.B. of the Charter, which relate to: a) the time of appointment of the Charter Committee members (duration of the Committee), and b) the composition of the Charter Committee membership itself. a) The term of the Committee is being proposed to be extended by six (6) months in order to provide additional time in order to examine potential Charter subjects, and to potentially meet on a monthly rather than a bi-weekly basis so as to facilitate the accomplishment of its charge under the Charter. Members will be appointed by the Board of County Commissioners eighteen (18) months prior to each General (Presidential) Election after November, 2004. b) The Lee County Constitutional Officers are precluded from membership (see attached verbiage).

The Board is required to direct the proposed Charter Amendments that it deems appropriate, to the Supervisor of Elections for placement on the November 2, 2004 ballot.

At its June 1, 2004 meeting, the Board approved all three proposed Amendments, and as the result, all will be placed on the November 2, 2004 ballot.

REQUESTED ACTION: Conduct a public hearing for the Board’s consideration of a Resolution directing the approved, proposed Amendments to the Lee County Charter to the Lee County Supervisor or Elections for placement on the November 2, 2004 ballot.

LEE COUNTY
NOTICE OF INTENT TO ENACT A COUNTY RESOLUTION

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN that on Tuesday, the 22nd day of June, 2004, at 5:00 o'clock, p.m., in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider the enactment of a County Resolution pursuant to applicable Florida Statutes. The title of the proposed County Resolution is as follows:

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

1. Copies of this Notice and the proposed Resolution are on file in the Minutes Office of the Clerk of Courts of Lee County. The public may inspect or copy the Resolution during regular business hours at the Office of Public Resources. The Minutes Office and Public Resources are located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. Public Resources is located on the first floor and the Minutes Office is located on the second floor of the Courthouse Administration Building.
2. Interested parties may appear at the meeting in person or through counsel, and be heard with respect to the adoption of the proposed Resolution.
3. Anyone wishing to appeal the decision(s) made by the Board with respect to any matter considered at this meeting, will need a record of the proceedings for such

appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

4. The Resolution shall take effect immediately upon its adoption by the Board of County Commissioners at the public hearing.

5. If you have a disability that will require special assistance or accommodations for your attendance at the public hearing, please call the Lee County Division of Public Resources at 335-2269 for information.

PLEASE GOVERN YOURSELF ACCORDINGLY.

The text of this Notice is in conformance with Section 125.66, Florida Statutes (2003), and other relevant sections of Florida law.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Charlie Green, Ex-Officio Clerk
to the Board of County Commissioners
of Lee County, Florida

APPROVED AS TO FORM:

By:  _____
Office of the County Attorney

Ad Size: 2 x 5

Publishing Dates: 6/8/04 & 6/15/04

LEE COUNTY RESOLUTION NO. _____

**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 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.

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 2, 2004. 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 2, 2004.
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 2, 2004.
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.

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

DOUGLAS ST. CERNY	_____
BOB JANES	_____
RAY JUDAH	_____
ANDREW COY	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED this _____ day of _____, 20____.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO FORM:

By: _____
Office of the County Attorney

NOTICE OF SPECIAL ELECTION

PLEASE TAKE NOTICE that on Tuesday, November 2, 2004, there will be conducted a special election at which the voters of Lee County will be asked if they approve or disapprove of the adoption of certain Amendments to the Lee County Charter to become effective, if approved, on January 1, 2005 (Amendments 1, 2 and 3). The forms of the ballots will read substantially as follows:

SEE: ATTACHMENT

The election will be conducted between the hours of 7:00 a.m. and 7:00 p.m.. All duly registered voters of Lee County may participate in the election. A copy of this Notice and a copy of the proposed Amendments are on file in the office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department, on the second floor of the Courthouse Administration Building (2115 Second Street) and may be inspected or copied during regular business hours. Copies of the Notice and the proposed Amendments are also available to the public at Public Resources on the first floor of the Courthouse Administration Building.

Information concerning voter registration and precinct locations may be obtained from the office of the Supervisor of Elections, Constitutional Complex, 2480 Thompson Street, Fort Myers, Florida. Phone: (239) 339-6300.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

(SEAL)

By: _____
John E. Albion
Chairman

EXHIBIT "A"

ATTACHMENT

Proposed Charter Amendments

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 Relating to Petition Signatures for Charter Amendments by Citizen Initiative

Summary: County Charter Amendment that provides for limiting the number of petition signatures for Charter Amendments 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. IV, SECTION 4.1 A. (1)

A. Amendments Proposed by Petition.

(1) The electors of Lee County shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least seven percent (7%) 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 3 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), 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.