ORDINANCE NO. 2010-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING THE HOME RULE CHARTER OF LEON COUNTY, FLORIDA; AMENDING ARTICLE V, HOME RULE CHARTER TRANSITION, AMENDMENTS, REVIEW, SEVERANCE, EFFECTIVE DATE; AMENDING SECTION 5.2, HOME RULE CHARTER AMENDMENTS; AMENDING SECTION 5.2(2) RELATING TO AMENDMENTS AND REVISIONS BY CITIZEN CHARTER REVIEW COMMITTEE; PROVIDING FOR A BALLOT QUESTION TO BE POSED TO THE LEON COUNTY ELECTORATE AT THE SPECIAL ELECTION ON NOVEMBER 2, 2010; PROVIDING FOR THE BALLOT QUESTION FORM; PROVIDING FOR FURTHER AUTHORIZATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida, that:

Section 1. Article V, Section 5.2 of the Home Rule Charter of Leon County, Florida, is hereby amended to read as follows:

Sec. 5.2 Home rule charter amendments.

(1) Amendments Proposed by Petition.

(A) The electors of Leon County shall have the right to amend this Home Rule Charter in accordance with Sec. 4.1 of this Charter.

(B) Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified. If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified

in the amendment, or, if not so specified, on January 1 of the succeeding year.

(2) Amendments and Revisions by Citizen Charter Review Committee.

(A) A Citizen Charter Review Committee shall be appointed by the Board of County Commissioners at least ~~twelve (12) months~~ fifteen (15) months before the general election occurring every eight (8) years thereafter, to be composed and organized in a manner to be determined by the Board of County Commissioners, to review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. When making appointments to the Citizen Charter Review Committee, the Board of County Commissioners shall attempt to include citizens from all segments of the Leon County community, reflecting the different viewpoints, age, gender, life experiences, professions and employment, race and ethnic backgrounds of the citizens in the County, and including consideration of representation of students currently enrolled in institutions of higher education. Public hearings shall be conducted as provided by Section 125.63, Florida Statutes.

(B) No later than ninety (90) days prior to the general election, the Citizen Charter Review Committee shall deliver to the Board of County Commissioners the proposed amendments or revisions, if any, to the Home Rule Charter~~,~~. Any proposed Charter amendment or revisions that receives an affirmative vote of three-fifths (3/5) approval of the entire membership of the Citizens Charter Review Committee shall be submitted to the County Commission for its consideration to be placed on to the next general election ballot; and any proposed Charter amendment or revision that receives four-fifths (4/5) approval of the entire membership of the Citizens Charter Review Committee shall be placed directly on to the next general election ballot by the County Commission, in accordance with Section 125.64, Florida Statutes.

(C) If the Citizen Charter Review Committee does not submit any proposed Charter amendments or revisions to the Board of County Commissioners at least ninety (90) days prior to the general election, the Citizen Charter Review Committee shall be automatically dissolved.

(3) Amendments Proposed by the Board of County Commissioners.

(A) Amendments to this Home Rule Charter may be proposed by ordinance adopted by the Board of County Commissioners by an affirmative vote of a majority plus one (1) of the membership of the Board. Each proposed amendment shall embrace but one (1) subject and matter directly connected therewith. Each proposed amendment shall only become effective upon approval by a majority of the electors of Leon County voting in a referendum at the next general election. The Board of County Commissioners shall give public notice of such referendum election at least ninety (90) days prior to the general election referendum date.

(B) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 2. Ballot Question To Be Presented To Electorate.

The proposed amendments to the Home Rule Charter of Leon County, Florida, shall be presented to the qualified Leon County electorate by placing the question of whether to adopt same on the ballot at the special election to be held on November 2, 2010.

Section 3. Ballot Question Form.

The question on the ballot shall be substantially in the following form:

REVISING THE CITIZEN CHARTER REVIEW COMMITTEE PROCESS AS PROPOSED BY THE CITIZEN CHARTER REVIEW COMMITTEE

Question

Shall the Home Rule Charter of Leon County, Florida be amended to provide that the Citizen Charter Review Committee be appointed 15 months prior to the general election; require the County Commission consider a wide variety of factors when making appointments; provide that Committee proposed Charter amendments approved by three-fifths votes go to County Commission for consideration; those approved by four-fifths votes go directly to the ballot, effective January 1, 2011?

Yes for Approval _____

No for Rejection _____

Section 4. Further Authorization.

The Board of County Commissioners of Leon County, Florida, is authorized to adopt all resolutions and take all actions necessary in order for this Charter amendment referendum to be properly placed on the ballot for the special election of November 2, 2010. Said referendum shall be conducted according to the requirements of law governing referendum elections in the State of Florida.

Section 5. Severability.

If any word, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date.

This ordinance shall have effect upon becoming law, but shall be of no further force or effect if the proposed Charter amendments are not duly approved at the November 2, 2010, special election. The amendments to the Home Rule Charter of Leon County, Florida, as proposed by this Ordinance, shall become effective January 1, 2011, if the Charter amendment is

approved by a "yes" vote by a majority of those duly qualified electors voting on the question posed at the November 2, 2010, referendum.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2010.

LEON COUNTY, FLORIDA

By:_____
Bob Rackleff, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT
LEON COUNTY, FLORIDA

By:_____
Clerk

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
Herbert W. A. Thiele, Esq.
County Attorney