

LEE COUNTY RESOLUTION NO. 96-07-52

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, ORDERING AND PROVIDING FOR A NON-BINDING REFERENDUM TO BE HELD AS PART OF THE GENERAL ELECTION ON NOVEMBER 5, 1996, ON THE QUESTION OF LEVYING MILLAGE TO RAISE AD VALOREM TAX REVENUE FOR THE PURPOSES OF ACQUIRING AND IMPROVING CERTAIN ENVIRONMENTALLY CRITICAL OR SENSITIVE LANDS WITHIN LEE COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY FLORIDA THAT:

Section 1. Authority. This Resolution is adopted pursuant to §125.01., F.S., and other applicable provisions of law.

Section 2. Findings. It is hereby found and declared that:

A. The financing of the costs of certain acquisition, improvement and management of environmentally critical or sensitive lands within Lee County are projects for which ad valorem taxes may be used pursuant to Florida Statutes Section 125.01(a)(a) and other applicable provisions of Florida law.

B. The financing of the purchase of land and management thereof in order to provide for public lands for the protection of natural flood plains, marshes or estuaries, for use as wilderness or wildlife management areas, public conservation of natural resources and recreation, are proper public purposes.

C. It is in the best interest of the County and its residents and property owners to finance said land acquisition and management thereof, to be payable from ad valorem taxes in order to assist in providing for County surface water management, water supply, wildlife habitat, recreation and conservation of natural resources.

D. Should the Referendum herein provided be affirmatively approved by the electorate of Lee County, the projects referenced herein may be procedurally implemented pursuant to Lee County Ordinance No. 96-12, as same may be duly amended from time to time. The subsequent amendment or repeal of said ordinance shall not affect the validity of this

Resolution, the referenda herein called or any tax proceeds so levied and used.

Section 3. The referendum as posed herein shall constitute a non-binding referendum of the electorate of Lee County. Should the electorate favorably approve the ballot question, the subsequent levy of millage and expenditure of any ad valorem tax funds for said lands will be authorized only if first duly approved and levied by the Board on an annual basis as required by Florida Statutes Section 129.01 and Florida Statutes 200.01. Pursuant to the above, any such millage levy pursuant to this resolution and as may be approved by referendum as called hereby, is directory only and not mandatory on the county.

Section 4. Election Ordered. A special non-binding referendum election be and is hereby ordered to be held in Lee County, Florida, on November 5, 1996.

Section 5. Voting. The polls will be open at the voting places on the date of such bond election from 7:00 A.M. to 7:00 P.M. on the same day. All qualified electors residing within the County shall be entitled and permitted to vote at such election as hereinafter provided. The places of voting for the election shall be as set forth within the County by the Supervisor of Elections. The inspectors and clerks for said special election shall be appointed as provided by general law.

Section 6. Ballots. The ballots to be used in said election shall be in substantially the following form:

OFFICIAL BALLOT
SEE AS CONTAINED IN EXHIBIT "A", ATTACHED HERETO
AND INCORPORATED HEREIN BY REFERENCE

Section 7. Instructions. Provision shall be made for instructions to the voters as provided for by general law.

Section 8. Absentee Voting. Adequate provision shall be made for absentee voting. Paper ballots shall be used at the bond election for absentee voting. The ballots to be used in said election for absentee voters shall be in substantially the form as set out above.

Section 9. General Election. The Lee County Supervisor of Elections is hereby requested to hold the non-binding referendum as part of the general election on November 5, 1996 in accordance with the election laws of the State of Florida.

Section 10. Results of Election. The appropriate election officials shall canvass the ballots and certify same to the Lee County Supervisor of Elections and she, in turn,

shall certify the election results to the Lee County Board of County Commissioners. The Board shall, in turn, canvass the votes and declare the results thereof and such returns shall be recorded in the minutes of the County at the first meeting after such certification.

Section 11. Notice of Election. The Clerk is hereby authorized and directed to place a notice of this referendum election in a newspaper of general circulation published in Lee County. The publication shall be made at least thirty (30) days prior to the referendum and shall be made at least two (2) times, once in the fifth week and once in the third week prior to the week in which the referendum is deemed to be held. The notice of referendum shall be in substantially the following form:

SEE: EXHIBIT A, ATTACHED HERETO

Section 12. Severability. In the event that any word, phrase, clause or sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

Section 13. Effective Date. This Resolution shall become effective immediately upon its adoption by the Lee County Board of County Commissioners.

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

JOHN MANNING	<u>ABSENT</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANTHONY D. COY	<u>AYE</u>
JOHN ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 31st day of July, 1996.

ATTEST:
CHARLIE GREEN, CLERK

By: Lisa A. Pounce

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]

Chairman

APPROVED AS TO FORM:

By: James G. Jaeger

Office of County Attorney

NOTICE OF REFERENDUM IN LEE COUNTY PURSUANT TO LEE COUNTY RESOLUTION NO. 96-07-52 ON NOVEMBER 5, 1996

PLEASE TAKE NOTICE that on Tuesday, November 5, 1996, there will be conducted a non-binding referendum as part of the general election at which the voters of Lee County will be asked if they approve or disapprove of the county levy of designated millage to raise ad valorem taxes over a period of seven (7) years for acquiring and managing certain environmentally critical or sensitive lands. The ballot shall be substantially in the following form:

OFFICIAL BALLOT

CONSERVATION 2020 NON-BINDING REFERENDUM TO ACQUIRE AND MANAGE LANDS CRITICAL TO LEE COUNTY ENVIRONMENT.

DO YOU APPROVE LEE COUNTY PURCHASING AND MANAGING CONSERVATION LANDS CRITICAL FOR WATER SUPPLY, FLOOD PROTECTION, OPEN SPACE, WILDLIFE HABITAT AND PASSIVE RECREATION BY THE COUNTY LEVYING AN AD VALOREM TAX OF UP TO 0.50 (1/2) MIL ANNUALLY FOR A PERIOD NOT TO EXCEED SEVEN (7) YEARS; PURSUANT TO LEE COUNTY ORDINANCE 96-12?

YES - FOR _____
NO - AGAINST _____

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

July 7
July 14 *received*

and Lee County Resolution 96-07-52 and Lee County Ordinance NO. 96-12, relating to the above-described millage levy of up to 0.50 mills for seven (7) years 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 Office Building (2115 Second Street) and may be inspected or copied during regular business hours. Copies of the Notice, Resolution, and the Ordinance are also available to the public at the Office of Lee Cares, No. 201, 2nd floor of the Courthouse office 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: (941) 339-6300.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

(SEAL)

By: _____


Douglas St. Cerny
Chairman