LEE COUNTY RESOLUTION NO. 16-05-10

(CONSERVATION 20/20 NON-BINDING REFERENDUM BALLOT)

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 8, 2016, ON THE QUESTION OF WHETHER TO CONTINUE TO USE GENERAL REVENUE FUNDS TO ACQUIRE, RESTORE, IMPROVE, AND MANAGE LAND UNDER THE EXISTING LEE COUNTY CONSERVATION 20/20 LAND PROGRAM, PURSUANT TO LEE COUNTY ORDINANCE 15-08.

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 purposes for which General Revenue Funds, including ad valorem taxes, may be used pursuant to Florida Statutes Section 125.01 and other applicable provisions of Florida law.

B. The purchase of land and management thereof in order to provide for public lands for conservation, surface water management, water quality, water recharge and supply, flood control, wildlife habitat, passive public recreation, and open space are proper public purposes.

C. It is in the best interest of the County and its residents to purchase said lands or interests in those lands and management thereof, to be payable from General Revenue Funds, including ad valorem taxes, in order to assist in providing for conservation, surface water management, water quality, water recharge and supply, flood control, wildlife habitat, passive public recreation, and open space.

D. Should the Referendum herein provided be affirmatively approved by the electorate of Lee County, the purposes referenced herein may be procedurally implemented pursuant to Lee County Ordinance No. 15-08, 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.   Election Ordered. A special non-binding referendum election be and is hereby ordered to be held in Lee County, Florida, on November 8, 2016.

Section 4.   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 5. 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 6. Instructions. Provision shall be made for instructions to the voters as provided for by general law.

Section 7. 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 8. 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 8, 2016 in accordance with the election laws of the State of Florida.

Section 9. 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 10. 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 11. 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 12. 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 Manning who moved its adoption. The motion was seconded by Commissioner Hamman and, being put to a vote, the vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 17th day of May, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BY: _Michelle M. Miller_
Deputy Clerk

SEAL

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Franklin B. Mann, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

_____
County Attorney's Office

Conservation 20/20 Non-Binding Referendum

DO YOU APPROVE OF LEE COUNTY CONTINUING TO USE GENERAL REVENUE FUNDS TO ACQUIRE, RESTORE, IMPROVE, AND MANAGE LAND FOR CONSERVATION, SURFACE WATER MANAGEMENT, WATER QUALITY, WATER RECHARGE AND SUPPLY, FLOOD CONTROL, WILDLIFE HABITAT, PASSIVE PUBLIC RECREATION, AND OPEN SPACE PURPOSES, PURSUANT TO LEE COUNTY ORDINANCE 15-08 (COMMONLY KNOWN AS THE LEE COUNTY CONSERVATION 20/20 LAND PROGRAM)?

YES-For

NO-Against