

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

Blue Sheet No. 20060733

1. ACTION REQUESTED/PURPOSE: Consider adoption of a County Resolution providing for a non-binding referendum to determine community support for the County assuming the operation and maintenance of the East Mulloch Drainage District.

2. WHAT ACTION ACCOMPLISHES: Resolution with proposed ballot question must be adopted in order to set referendum for November 7, 2006, General Election.

3. MANAGEMENT RECOMMENDATION: Authorize placement of the question on the ballot.

4. Departmental Category: AIZA		5. Meeting Date: 6-20-2006
6. Agenda: <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	<input type="checkbox"/> Ordinance
	<input type="checkbox"/> Admin. Code	<input type="checkbox"/> Other
	<input checked="" type="checkbox"/> Other	
		8. Request Initiated: Commissioner Department County Attorney Division General Services By: Scott S. Coovert Assistant County Attorney

9. Background:

Property owners in San Carlos Park have approached the County to consider the County's assuming the operation and maintenance of the East Mulloch Drainage District, an independent Chapter 298, Florida Statutes, district.

The Board of County Commissioners at their Management Planning Meeting of May 1, 2006, directed staff to proceed with a non-binding referendum on the November 7, 2006, General Election. The purpose of the referendum is to conduct a straw ballot in order to determine the level of community support.

Pending the outcome of the referendum, the Board would consider action to become the governing body for the drainage district by establishing a taxing unit or amending the municipal services currently being provided by the San Carlos Park Special Improvement Unit.

ATTACHMENTS: Resolution for Non-Binding Referendum

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
					6/1/06	5/21/06	6/1/06	6/1/06	

11. Commission Action:

Approved
 Deferred
 Denied
 Other

CO. ATTY.
FORWARDED TO:
Admin 6/1/06

RECEIVED BY
COUNTY ADMIN:
6/1/06 3:10 PM
COUNTY ADMIN
FORWARDED TO:
6/1/06
4:30 PM

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA CALLING FOR A NON-BINDING REFERENDUM TO BE HELD AS PART OF THE GENERAL ELECTION ON NOVEMBER 7, 2006, ON THE QUESTION WHETHER THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS SHOULD BECOME THE GOVERNING BODY FOR THE EXISTING EAST MULLOCH DRAINAGE DISTRICT TO BE FUNDED THROUGH A DEDICATED COMMUNITY TAX.

WHEREAS, property owners in San Carlos Park have approached Lee County to consider taking over the operation and maintenance of the East Mulloch Drainage District, an independent Chapter 298, Florida Statutes district; and

WHEREAS, Chapter 83-455, Laws of Florida, provides for the abolition of the East Mulloch Drainage District if the Board of County Commissioners assumes the operation and maintenance of the drainage control systems of the District; and

WHEREAS, the East Mulloch Drainage District supports Lee County's assumption of the operation and maintenance of the District; and

WHEREAS, the Board of County Commissioners would like to determine the level of community support prior to taking any action on the request; and

WHEREAS, the Lee County Supervisor of Elections will be conducting one or more elections within the County on November 7, 2006 and has indicated that she can conduct the election described above on that date.

NOW THEREFORE, 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, Florida Statutes, and other applicable provisions of law.

SECTION 2: NON-BINDING REFERENDUM

The referendum as posed herein shall constitute a non-binding referendum of the electorate in an area commonly known as San Carlos Park of Lee County, Florida, which is described herein in Exhibit "A". Pending the outcome of the non-binding referendum, the Board of County Commissioners may consider action to become the governing body for the East Mulloch Drainage District by establishing a municipal service taxing unit or amending the municipal services currently being provided by the San Carlos Park Special Improvement Unit.

SECTION 3: ELECTION ORDERED

A special non-binding referendum election is hereby ordered to be held in Lee County, Florida, on November 7, 2006.

SECTION 4: VOTING

The polls will be open at the voting places on the date of such election from 7:00 a.m. to 7:00 p.m. All qualified electors residing in certain precincts in an area commonly known as San Carlos Park of Lee County, Florida (Exhibit "A", hereto) shall be entitled and permitted to vote at such election as hereinafter provided. The places of voting for the election shall be as determined by the Lee County Supervisor of Elections. The inspectors and clerks for said 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 instruction to the voters as provided by general law.

SECTION 7: ABSENTEE VOTING

Adequate provision shall be made 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 7, 2006, 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 (5th) week, and once in the third (3rd) 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 "B", 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 adopted by the Lee County Board of County Commissioners upon a motion by Commissioner _____, and seconded by Commissioner _____ and, upon being put to a vote as follows:

BOB JANES _____
DOUGLAS ST. CERNY _____
RAY JUDAH _____
TAMMY HALL _____
JOHN E. ALBION _____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2006.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Tammara Hall, Chairwoman

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney

EXHIBIT "A"

PRECINCTS

Precincts: 34-1
86-2
128-3
129-0
130-1
131-1
156-2

EXHIBIT "B"

NOTICE OF REFERENDUM IN LEE COUNTY ON NOVEMBER 7, 2006

PLEASE TAKE NOTICE that on Tuesday, November 7, 2006, there will be conducted a non-binding referendum as part of the general election at which the voters who live in certain precincts in an area commonly known as San Carlos Park of Lee County will be asked if they approve or disapprove the Lee County Board of County Commissioners becoming the governing body for the independent East Mulloch Drainage District to provide drainage services funded through a municipal service taxing unit. The ballot shall be substantially in the following form:

Ballot Title: Non-Binding Referendum to consider County operation and maintenance of drainage in San Carlos Park.

Ballot Question:

Should the Lee County Board of County Commissioners become the governing body for the existing Independent East Mulloch Drainage District, to be funded through a dedicated community tax?

Yes, for Approval _____
No, for Rejection _____

The election will be conducted between the hours of 7:00 a.m. and 7:00 p.m. Duly registered voters residing in certain precincts of San Carlos Park may participate in the election. A copy of this Notice and a copy of Lee County Resolution _____ are on file in the Minutes Office of the Clerk of Court of Lee County, Florida, on the second floor of the Courthouse Administration Building located at 2115 Second Street, Fort Myers, Florida and may be inspected or copied during regular business hours.

Information concerning voter registration and precinct locations may be obtained from the Office of the Supervisor of Elections, Sharon L. Harrington, Elections Office at Constitutional Complex, 2480 Thompson Street, Fort Myers, Florida 33901, telephone number (239) 533-8683.