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RESOLUTION
NUMBER 2006-097

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, CALLING FOR A REFERENDUM ELECTION RELATING TO THE ESTABLISHMENT OF AN ENVIRONMENTALLY SENSITIVE LANDS PROGRAM; CALLING FOR A 0.20 MILL AD VALOREM TAX FOR A TWENTY-YEAR PERIOD AND FURTHER RELATING TO A BOND REFERENDUM FOR THE ISSUANCE OF BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$77,000,000, AND PAYABLE FROM THE 0.20 MILL AD VALOREM TAX; PROVIDING FOR FINDINGS; PROVIDING FOR AUTHORIZATION TO ESTABLISH THE ENVIRONMENTALLY SENSITIVE LANDS PROGRAM AD VALOREM TAX; PROVIDING FOR AUTHORIZATION TO ISSUE BONDS; PROVIDING FOR A BOND REFERENDUM; CALLING FOR A REFERENDUM ELECTION; PROVIDING FOR POLLING PLACES; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR ELECTION OFFICIALS; PROVIDING FOR HOURS OF ELECTION; PROVIDING FOR BALLOT QUESTIONS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR NOTIFICATION BY CLERK; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Charlotte County recognizes the need to plan for future growth and desires to initiate a long term program to acquire and manage environmentally sensitive lands for the protection of water resources, wildlife habitat and public open space; and

WHEREAS, it remains the goal of Charlotte County to conserve, manage and when necessary, restore the natural environment in order to provide access for the enjoyment and education of the general public; and

WHEREAS, the need for high-quality resourced based outdoor opportunities, greenways, trails and open space have not been fully met by previous acquisition programs and additional emphasis on acquiring, protecting, preserving and restoring open space, greenways and providing public access thereto is necessary; and

WHEREAS, acquisition of lands to protect the integrity of ecological systems provide multiple benefits including preservation of habitat, recreation space and for water recharge; and

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WHEREAS, Charlotte County wishes to initiate a long term program to acquire and manage environmentally sensitive lands.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County that:

SECTION 1. FINDINGS.

It is found and declared that:

- A. It is one of the goals of the Board of County Commissioners of Charlotte County (the "Board") to conserve, maintain and, where necessary, restore the natural environment of Charlotte County (the "County").
- B. The Board recognizes the need to plan for future growth and desires to initiate a long-term program to acquire, protect and manage environmentally sensitive lands in perpetuity for the protection of wildlife habitat, water resource protection and public open space.
- C. The history of the County is marked with numerous efforts to conserve the County's and the region's unique ecological character and preserve valuable ecosystems for future generations.
- D. The Charlotte County Comprehensive Plan contains an element entitled "Natural Resources and Coastal Planning" wherein certain goals, objectives and policies are set forth describing the importance of protecting certain natural systems from adverse impacts, including policies which call for the Board to identify lands suitable for public acquisition and develop local methods to generate funds for such acquisitions.
- E. It remains the goal of the Board to conserve, manage and where necessary, restore the natural environment and provide appropriate access for the enjoyment and education of the public.
- F. Florida's groundwater, surface waters and related ecosystems are under pressure due to population growth and economic expansion and resources are needed to ensure that sufficient quantities of water are available to meet the current and future needs of the natural systems and citizens of Charlotte County.
- G. Access to public lands supports a broad range of outdoor recreational opportunities and the development of necessary infrastructure, where compatible with the resource values and management objectives for such lands, and promotes an appreciation for Florida's natural assets and improves the quality of life.
- H. The need for high-quality resource based outdoor opportunities, wildlife corridors,

greenways, trails and open space have not been fully met by previous acquisition programs and additional emphasis on acquiring, protecting, preserving and restoring open space, greenways and providing public access is necessary.

I. Acquisition of environmentally sensitive lands protects the integrity of ecological systems and provides multiple benefits, including preservation of habitat, recreation space for urban as well as rural areas, and water recharge.

J. A long-term acquisition and management program is needed and funding is required to finance said program.

K. A long-term financial commitment to managing public lands must accompany any new land acquisition program to ensure that the natural resource values of such lands are protected and that the public has the opportunity to enjoy the lands to their fullest potential.

L. In order to provide the Board with the greatest flexibility in financing the acquisition of environmentally sensitive lands as well as to provide for the ability to purchase these lands as they become available from willing participants, the Board further desires to submit to voter referendum the question of whether the County should finance the acquisition of environmentally sensitive lands by issuing General Obligation Bonds in an aggregate principal amount not to exceed Seventy-Seven Million Dollars (\$77,000,000) (the "Bonds") bearing interest not exceeding the maximum legal rate, payable from a twenty-year increase in the ad valorem tax of not more than 0.20 mills. To the extent that the .20 mills are not needed to pay debt service on the bonds it may be used for the acquisition and management cost of said lands.

M. In order to ensure that bond proceeds are used solely to finance the acquisition of environmentally sensitive lands, the Board shall establish strict science-based criteria for such lands and shall establish an Environmentally Sensitive Lands Oversight Committee to review all property being considered for protection, to recommend specific environmentally sensitive lands to the Board for protection, and to make recommendations regarding the management and public use of such lands to the Board.

N. It is necessary to call and to hold a bond referendum submitting for approval or disapproval of the residents who are qualified electors and reside within Charlotte County, the question of whether Bonds should be issued payable from an increase in ad valorem tax on all taxable property in the County of not more than 0.20 mills.

SECTION 2. AUTHORITY OF THIS RESOLUTION. This Resolution is enacted pursuant to

Chapters 100 and 125, Florida Statutes, and other applicable provisions of law.

SECTION 3. AUTHORIZATION TO ESTABLISH THE ENVIRONMENTALLY SENSITIVE LANDS PROGRAM AD VALOREM TAX. Subject to voter approval of the referendum and pursuant to the provisions hereof, the Environmentally Sensitive Lands Program Ad Valorem Tax shall be established and continue through December 31, 2026 and the tax proceeds shall be used only for the acquisition, protection and management of environmentally sensitive lands and payment of bonds authorized herein.

SECTION 4. AUTHORIZATION OF BONDS. Subject to voter approval of the referendum and pursuant to the provisions hereof, the County shall be authorized to ~~be~~ issue bonds in one or more series over the life of the Environmentally Sensitive Lands Program in an aggregate principal amount not-to-exceed Seventy-Seven Million Dollars (\$77,000,000) to finance the acquisition of environmentally sensitive lands, together with other purposes necessary, appurtenant or incidental thereto, including all costs of the issuance of the bonds. Such bonds shall be payable from the Environmentally Sensitive Lands Program Ad Valorem Tax.

SECTION 5. REFERENDUM TO ESTABLISH THE ENVIRONMENTALLY SENSITIVE LANDS PROGRAM AD VALOREM TAX AND BOND REFERENDUM. A referendum of the qualified electors residing in Charlotte County is hereby called to be held on November 7, 2006, to determine whether to establish a not to exceed 0.20 mills Environmentally Sensitive Lands Program Ad Valorem Tax for Twenty (20) years through December 31, 2026, and to establish the Environmentally Sensitive Lands Program, and to determine whether, if the voters approve, to authorize the issuance of bonds over the life of the Environmentally Sensitive Lands Program in an aggregate principal amount not to exceed Seventy-Seven Million Dollars (\$77,000,000), maturing by December 31, 2026, payable from the Environmentally Sensitive Lands Program Ad Valorem Tax, which shall be used to finance the cost to acquire environmentally sensitive lands, together with other purposes necessary, appurtenant or incidental thereto, including all costs of the issuance of the bonds. All qualified electors residing in Charlotte County shall be entitled and permitted to vote in such bond referendum.

SECTION 6. REFERENDUM ELECTION CALLED. A referendum election is hereby ordered and called to be held on November 7, 2006, for the purpose of submitting to the qualified electors of Charlotte County the question of whether the Environmentally Sensitive Lands Program Ad Valorem Tax should be established and continue through December 31, 2026, and, if the voters

approve, whether bonds may be issued pursuant to Section 4 herein to finance the cost to acquire environmentally sensitive lands.

SECTION 7. POLLING PLACES. The special election shall be held at the polling places designated by the Charlotte County Supervisor of Elections.

SECTION 8. ABSENTEE VOTING. Adequate provisions shall be made for absentee voting. Ballots shall be used suitable for absentee voting at the election and the form of ballots used in the election form absentee voters shall be in substantially the form set out herein and in accordance with the Florida Election Code.

SECTION 9. ELECTION OFFICIALS. The election officials to conduct said election shall be appointed and certified by the Supervisor of Elections pursuant to applicable general law.

SECTION 10. HOURS OF ELECTION. The polls shall be open on the date of said special election from 7:00 A.M. to 7:00 P.M. All qualified electors residing within Charlotte County may vote in said election. Absentee voting and early voting shall be permitted upon compliance with applicable provisions of general law.

SECTION 11. BALLOT QUESTIONS. The ballot questions to be voted upon in said election shall be in substantially the following form:

1.

ESTABLISH ENVIRONMENTALLY SENSITIVE LANDS PROGRAM
AND BOND REFERENDUM FOR THE ACQUISITION OF
ENVIRONMENTALLY SENSITIVE LANDS

SHALL CHARLOTTE COUNTY BE AUTHORIZED TO ISSUE BONDS OVER THE LIFE OF AN ENVIRONMENTALLY SENSITIVE LANDS PROGRAM IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING SEVENTY-SEVEN MILLION DOLLARS (\$77,000,000) BEARING INTEREST NOT EXCEEDING THE MAXIMUM LAWFUL RATE, TO FINANCE THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS, PAYABLE FROM AD VALOREM TAXES NOT EXCEEDING 0.20 MILLS FOR A PERIOD OF TWENTY (20) YEARS FROM ISSUANCE OF SUCH BONDS.

_____ YES, FOR BONDS
_____ NO, AGAINST BONDS

SECTION 12. NOTICE OF ELECTION. The public notice of the referendum questions shall be accomplished by newspaper advertisement at least twice, once in the fifth week and once in

the third week prior to the week in which the election is held, in the manner provided in Section 100.342, Florida Statutes. The notice of election shall be in substantially the following form:

NOTICE OF TAX AND BOND REFERENDUM
CHARLOTTE COUNTY, FLORIDA,
ON NOVEMBER 7, 2006

NOTICE IS HEREBY GIVEN THAT A CHARLOTTE COUNTY, FLORIDA, TAX AND BOND REFERENDUM will be held on the 7th day of November, 2006, in Charlotte County, Florida, for the purpose of determining whether or not an additional ad valorem tax not exceeding 0.20 mills shall be levied annually for 20 years and limited tax general obligation bonds of the County issued in one or more series, payable there from shall be issued in an aggregate principal amount not to exceed Seventy-Seven Million Dollars (\$77,000,000), bearing interest, payable at such interest rate or rates not exceeding the maximum rate permitted by law and redeemable as shall be determined at or before the time of sale thereof, maturing over a period of not to exceed 20 years from the date of the bonds, to finance acquisition of environmentally sensitive lands for protection of water resources, wildlife habitat and public open space and purposes incidental thereto.

The polls will be open at the voting places on the date of referendum election at 7:00 a.m. to 7:00 p.m. on the same day, all as provided in Resolution No. _____ adopted by the Board of County Commissioners of Charlotte, Florida on _____, which is a matter of public record.

All qualified electors residing within the Charlotte County shall be entitled, qualified and permitted to vote at such election. Absentee voting will be permitted upon compliance with the applicable provisions of general law.

Barbara T. Scott, Clerk of
the Circuit Court and the
Ex-Officio Clerk to the
Board of County Commissioners
of Charlotte County, Florida.

SECTION 13. SEVERABILITY. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are declared severable.


SECTION 14. NOTIFICATION BY CLERK. The Clerk to the Board of County Commissioners

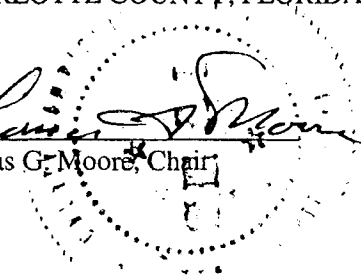
shall immediately notify the Charlotte County Supervisor of Elections of the adoption of this Resolution and transmit a certified copy of this Resolution to the Supervisor of Elections.

SECTION 15. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption and passage.

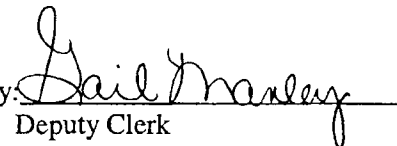
PASSED AND DULY ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, this 27th day of June, 2006.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

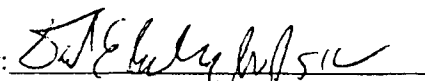
By: 
Thomas G. Moore, Chair



ATTEST:
Barbara T. Scott, Clerk of
Circuit Court and Ex-Officio
Clerk to the Board of County
Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
JK

INTER

OFFICE

MEMO

To: Mac V. Horton
Supervisor of Elections

From: Anne Pfahler
Deputy Clerk, Commission Minutes
Office of Barbara T. Scott

Subject: Resolution #2006-097

Date: June 28, 2006

We are forwarding a certified copy of Resolution #2006-097 as required within the resolution per section 14, on page 6. This resolution was approved by the Board of County Commissioners on June 27, 2006.

If you have any questions, please call me on extension 1539.

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