

**RESOLUTION NO. 2006-111**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF COLLIER, FLORIDA, ORDERING AND CALLING A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 7, 2006, WITHIN COLLIER COUNTY, TO DETERMINE IF THE ELECTORS OF THE COUNTY OF COLLIER, FLORIDA APPROVE CONTINUING THE LEVY OF AN AD VALOREM TAX NOT EXCEEDING .25 MIL THROUGH THE YEAR 2013 FOR THE PURPOSE OF CONTINUING TO FUND THE CONSERVATION COLLIER PROGRAM'S ACQUISITION, MANAGEMENT AND PRESERVATION OF ENVIRONMENTALLY SENSITIVE LANDS, AS WELL AS PROVISION OF COMPATIBLE PUBLIC ACCESS TO SUCH LANDS, FOR THE PROTECTION OF WATER RESOURCES, WILDLIFE HABITAT AND PUBLIC OPEN SPACE IN PERPETUITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Collier County recognizes the need to plan for future growth and has initiated a long-term program, known as the Conservation Collier Program, to acquire and manage environmentally sensitive lands in perpetuity for the protection of water resources, wildlife habitat and public open space; and

WHEREAS, the electorate of Collier County on November 5, 2002 authorized Collier County to levy an additional ad valorem tax not exceeding .25 mil for up to ten (10) years and to issue up to \$75 million dollars worth of limited tax general obligation bonds, to be issued in one or more series, payable therefrom, in order to finance acquisition and management of environmentally sensitive lands for the protection of water resources, wildlife habitat and public open space in perpetuity for purposes of the Conservation Collier Program; and

WHEREAS, Collier County adopted Ordinance No. 2002-63 on December 3, 2002, sometimes known as the Conservation Collier Implementation Ordinance, for purposes of further establishing the Conservation Collier Program; and

WHEREAS, the Board of County Commissioners generally determined at a public workshop on December 6, 2004, that it would be in the best interests of the Conservation Collier Program and the public to determine whether the electorate wished to continue to be subject to a levy of up to a .25 mil ad valorem tax to acquire and manage additional environmentally sensitive lands through the Conservation Collier Program even after the \$75 million dollar bond issue has been spent and after certain management costs for the Conservation Collier Program have been defrayed; and

WHEREAS, it is estimated that through April 10, 2006, Conservation Collier has committed or spent approximately \$60,549,033.00 for acquisition and management of environmentally sensitive lands; and

WHEREAS, if the electorate of Collier County wishes the Board of County Commissioners to continue to levy up to a .25 mil ad valorem tax through the year 2013, additional environmentally sensitive lands may be acquired and managed by the County through the Conservation Collier Program for protection of water resources, wildlife habitat, and public open space in perpetuity.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, COLLIER COUNTY, FLORIDA, at an open meeting duly assembled in the Board of County Commissioners' Chambers at 3301 East Tamiami Trail, Naples, Florida, this 25<sup>th</sup> day of April, 2006, A.D., as follows:

**SECTION I.**            Findings.

It is found and declared that:

- (A) This Resolution is adopted pursuant to applicable provisions of law.
- (B) It is desired to ask the electors of the County if they desire the Board of County Commissioners to authorize the annual levy of an additional ad valorem tax not exceeding .25 mil through the year 2013 for the purpose of continuing to fund the Conservation Collier Program's acquisition and management of environmentally sensitive lands for the protection of water resources, wildlife habitat and public open space in perpetuity.
- (C) The expenditures authorized serve a paramount public purpose and benefit.
- (D) The recitations of the preamble are hereby adopted as findings herein.

**SECTION II.**            Referendum Election Ordered.

A referendum election is hereby ordered to be held in Collier County, Florida, on November 7, 2006, to determine whether or not the continuing levy of an ad valorem tax not to exceed .25 mil through the year 2013 for the aforesaid purposes shall be approved by the electors of the County.

**SECTION III.**            Voting.

The polls will open at the voting places on the date of such 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 an election as hereinafter provided. The referendum election shall be held and conducted in the place or places prescribed by law for general elections in the County. The referendum election shall be held and conducted in the manner prescribed by law for holding general elections in the County, and the County Manager and Supervisor of Elections are

directed to take all necessary measures to conduct the election in all manner required by law. The returns shall be properly canvassed by the County Canvassing Board to be comprised by law, and all procedures and requirements of state law and other applicable law shall be complied with for the purpose of conducting the computation of ballots and completion of election procedures.

**SECTION IV. Ballots.**

The ballots to be used in the referendum election shall be on plain white paper, or otherwise permitted electronic format, with a written description of the proposed continuing levy of the tax, and which will provide facilities for qualified electors to vote for or against the continuing levy of the tax as they may choose. Voting equipment shall be used at such referendum election as the Supervisor of Elections deems appropriate and as permitted by law. The question appearing on the ballots to be used in the referendum election shall be in substantially the following form:

**BALLOT**

CONSERVATION COLLIER: ACQUISITION AND  
MANAGEMENT OF ENVIRONMENTALLY SENSITIVE  
LANDS, WATER RESOURCES LANDS, PUBLIC OPEN  
SPACE

SHALL COLLIER COUNTY CONTINUE TO ACQUIRE,  
PRESERVE AND MANAGE ENVIRONMENTALLY  
SENSITIVE LANDS, AND PROVIDE COMPATIBLE PUBLIC  
ACCESS TO SUCH LANDS, FOR THE PROTECTION OF  
WATER RESOURCES, WILDLIFE HABITAT, AND PUBLIC  
OPEN SPACE BY CONTINUING TO LEVY ONE QUARTER  
OF ONE MIL IN AD VALOREM TAXES THROUGH THE  
YEAR 2013?

YES \_\_\_\_\_  
NO \_\_\_\_\_

**SECTION V. Absentee Voting.**

Adequate provision shall be made for absentee voting. Ballots shall be used suitable for absentee voting at the election. The form of ballots to be used in the election for absentee voters shall be in substantially the form set out above and in accordance with the Florida Election Code.

**SECTION VI. Results of Election.**

Returns of the votes cast at the election shall be made to and canvassed by the Canvassing Board and the Canvassing Board shall declare the results and certify the same to the County Manager to be recorded in the minutes of the County. If a majority of the votes cast at such election in respect to the continuing levy of the tax shall be "YES", such tax may continue

to be levied by the County pursuant to the terms and provisions of applicable law, ordinances, or resolutions. **The public should note, however, that this ballot is in the nature of a “straw” ballot to understand the desires of the electorate and the County has the legal right in accordance with applicable law to continue or discontinue the levy regardless of the vote.** Regardless of the results of the election, the Supervisor of Elections is hereby directed to submit such results to the Department of State pursuant to Section 100.351, Florida Statutes.

**SECTION VII. Publication of Resolution and Notice.**

At least 30 days notice of the election shall be published in the Naples Daily News, or any other newspaper of general circulation within the County, 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 REFERENDUM  
COUNTY OF COLLIER, FLORIDA,  
ON NOVEMBER 7, 2006

NOTICE IS HEREBY GIVEN THAT A COUNTY OF COLLIER, FLORIDA, TAX REFERENDUM will be held on the 7<sup>th</sup> day of November, 2006, in the County of Collier, Florida, for the purpose of determining whether an ad valorem tax not exceeding .25 mil shall continue to be levied through the year 2013 for the purpose of continuing to fund the Conservation Collier Program's acquisition, management and preservation of environmentally sensitive lands, and compatible public access to such lands, for the protection of water resources, wildlife habitat and public open space.

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. 2006-111, adopted by the Board of County Commissioners of Collier County, Florida on April 25, 2006, which is a matter of public record.

All qualified electors residing within the County of Collier shall be entitled, qualified and permitted to vote at such election.

The County of Collier, Florida  
Frank Halas, Chairman  
Board of County Commissioners

**SECTION VIII.**     Effective Date.

This Resolution shall go into effect immediately upon its passage and adoption.

THIS RESOLUTION ADOPTED after motion, second, and majority vote favoring same,  
this 25<sup>th</sup> day of April, 2006.

ATTEST:  
Dwight E. Brock, CLERK

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF COLLIER, FLORIDA

BY: \_\_\_\_\_  
DEPUTY CLERK

BY: \_\_\_\_\_  
Frank Halas, CHAIRMAN

Approved as to form and legal sufficiency

\_\_\_\_\_  
Michael W. Pettit  
Chief Assistant County Attorney