

RESOLUTION NO. 14-~~04-01~~ ⁴⁹⁸

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE LEHIGH ACRES FIRE CONTROL AND RESCUE DISTRICT PROVIDING FOR A REFERENDUM ELECTION TO BE HELD ON NOVEMBER 4, 2014, FOR THE PURPOSE OF DETERMINING WHETHER THE DISTRICT SHALL BE AUTHORIZED TO LEVY A NON-AD VALOREM ASSESSMENT FOR THE PROVISION OF FIRE AND RESCUE SERVICES AND FACILITIES; PROVIDING FOR NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR THE TITLE AND SUBSTANCE OF THE BALLOT MEASURE; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR ABSENTEE BALLOTS; PROVIDING FOR APPOINTMENT OF ELECTION BOARDS; PROVIDING FOR CANVASSING BOARD CERTIFICATION OF RESULTS; REPEALING RESOLUTION NO. 14-04-01; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Lehigh Acres Fire Control and Rescue District (the "District") was re-created by Chapter 2000-406, Laws of Florida as an independent fire district under the provisions of Chapter 191, Florida Statutes, and Chapter 97-340, Laws of Florida, to provide fire and rescue services within the District;

WHEREAS, Section 191.011, Florida Statutes, authorizes the District to levy a non-ad valorem assessment on the lands and real estate benefited by its provision of fire and rescue services;

WHEREAS, Section 5 of Chapter 2000-406, and section 8(2) of Chapter 97-340, Laws of Florida, additionally authorizes the District to levy and enforce non-ad valorem assessments;

WHEREAS, Section 191.009(2), Florida Statutes, and section 8(2) of Chapter 97-340, Laws of Florida, both require referendum approval for the first-time levy of non-ad valorem assessments;

WHEREAS, the District has studied and discussed proposed non-ad valorem assessments to fund one hundred percent (100%) of the District's annual fire and rescue budgets for the Fiscal Year commencing on October 1, 2015 and future fiscal years;

WHEREAS, the District has proposed the following non-ad valorem assessment rates for fire protection services, facilities, and programs: \$239.00 per improved residential parcel, \$0.31 per ft.² for commercial property, \$0.05 per ft.² for industrial/warehouse property, \$0.41 per ft.² for institutional property, and \$21.00 per acre (or portion thereof) for unimproved land up to a maximum acreage of 10 acres per parcel; and

WHEREAS, the District has proposed the following non-ad-valorem assessment rates for emergency rescue services, facilities, and programs: \$53.00 per improved residential parcel, \$0.04 per ft.² for commercial property, \$0.01 per ft.² for industrial/warehouse property, and \$0.11 per ft.² for institutional property; and

WHEREAS, the District has determined that it will be able to provide property tax relief if a non-ad valorem assessment program is imposed to fund the provision of fire and rescue services, facilities, and programs; and

WHEREAS, on April 28, 2014, the District adopted Resolution No. 14-04-01 to call for the referendum and certify proposed ballot language which the District now intends to rescind as a part of this Resolution; and

WHEREAS, subsequently the District has determined that it should modify the earlier proposed ballot language in order to clarify its intent to substitute ad valorem taxes with non-ad valorem assessments in the event the non-ad valorem assessments are authorized and imposed; and

WHEREAS, the Board of Commissioners of the District (the "Commission") now desires to call a referendum election to present the proposed non-ad valorem assessment program to the general electorate of the District for approval and to adopt amended ballot language for said purpose as a replacement for the ballot language approved by the Board in Resolution No. 14-04-01.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE LEHIGH FIRE CONTROL AND RESCUE DISTRICT, FLORIDA, as follows:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Chapters 2000-406 and 97-340, Laws of Florida, and Chapter 191, Florida Statutes.

SECTION 2. FINDINGS. The above legislative findings are true and correct and hereby incorporated herein by reference.

SECTION 3. REFERENDUM.

(A) In accordance with Section 191.009, Florida Statutes, and Chapter 97-340, Laws of Florida, a referendum election is hereby called and ordered to be held in conjunction with the election to be held on November 4, 2014, for those lands lying within the District, as more particularly provided in Section 1 of Chapter 2000-406, Laws of Florida.

(B) The referendum is called and ordered for the purpose of determining whether or not a non-ad valorem assessment program to fund one hundred percent (100%) of the District's annual fire and rescue budgets shall be authorized.

(C) The referendum election shall be held between the hours of 7:00 a.m. and 7:00 p.m. on November 4, 2014 (the "November Election"), at the same polling places established in Lee County for the November Election to be held on said date, and all electors of the District shall be eligible to vote in the referendum election.

SECTION 4. NOTICE. As required by Section 100.342, Florida Statutes, at least 30 days' notice of the forthcoming referendum, including its purpose and eligibility requirements for voting, shall be published by the District in a newspaper of general circulation in the District at least twice, once in the fifth week and once in the third week prior to the week in which the election is to be held. Such notice shall contain the text of the proposed ballot question.

SECTION 5. BALLOT LANGUAGE. The wording and title of the proposition to appear on the ballot on the date of the November Election, as embodied in this resolution, shall be as follows:

**AUTHORIZATION TO FUND FIRE AND RESCUE SERVICES
WITH ANNUAL NON-AD VALOREM ASSESSMENTS**

As an alternative to ad valorem taxes, shall Lehigh Acres Fire District levy non-ad valorem assessments beginning fiscal year 2015/2016 for fire and rescue services as follows: \$0.35 for commercial property, \$0.06 for industrial/warehouse property and \$0.52 for institutional property, all per ft.² under roof; \$292.00 per residence; and \$21.00 per acre (or portions thereof) for unimproved land, with increases limited to previous 5 years' annual growth rate in Florida personal income?

_____ Yes

_____ No

SECTION 6. ABSENTEE BALLOTS. Absentee ballots for said referendum election shall be prepared and made available as provided by law.

SECTION 7. ELECTION BOARDS. The election boards consisting of the clerks and inspectors appointed to serve for the November Election are hereby appointed to serve in the referendum election.

SECTION 8. CANVASSING BOARD.

(A) Upon conclusion of the election, the election canvassing board shall deliver the certificates of results, in the manner prescribed by law and appropriate rules and regulations, to the appropriate officials as designated in Section 101.5614, Florida Statutes.

(B) The Lee County Canvassing Board shall canvass the returns in said election and shall, as provided by law, certify the results of such referendum to the District and to the Department of State of the State of Florida to be recorded in appropriate public records.

SECTION 9. REPEAL OF RESOLUTION NO. 14-04-01. Resolution No. 14-04-01 is hereby repealed in its entirety.

SECTION 10. EFFECTIVE DATE. This resolution shall be in full force and effect immediately upon its adoption.

[NEXT PAGE FOR SIGNATURE]

THE FOREGOING RESOLUTION WAS OFFERED BY COMMISSIONER KRUSE WHO MOVED ITS ADOPTION. THE MOTION WAS SECONDED BY COMMISSIONER DANIS. UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

Commissioner David P. Adams	<u>Aye</u>
Commissioner Larry Becker	<u>Aye</u>
Commissioner Linda Carter	<u>No</u>
Commissioner Jackie Danis	<u>Aye</u>
Commissioner Cathy Kruse	<u>Aye</u>

DULY PASSED AND ADOPTED on this 24 day of June, 2014.

**BOARD OF COMMISSIONERS OF
THE LEHIGH FIRE CONTROL AND
RESCUE DISTRICT**

ATTEST:

Larry Becker
Larry Becker, Chair

David P. Adams
David P. Adams, Secretary