

RESOLUTION 2018-07

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT PROVIDING FOR AND CALLING FOR A REFERENDUM TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE DISTRICT TO BE HELD ON NOVEMBER 6, 2018; PROVIDING FOR OFFICIAL BALLOT LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted Chapters 2015-2002 and 2017-216, Laws of Florida, an Act relating to the LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT (“District”), which provides for a referendum to be called by the District’s Board of Commissioners at a general election provided an agreement is entered into between the District and the Lee County Board of County Commissioners; and

WHEREAS, Chapter 2015-202, Laws of Florida, gave the District authority to enter into one or more agreements with the Lee County Board of County Commissioners for the implementation of certain enumerated powers authorized in paragraphs (2)(d)-(h) of the above referenced Special Act, including the authority for the installation, maintenance, and control of outdoor signage, monuments, and decorative and seasonal banners and lights within the District; and

WHEREAS, on June 5, 2018, an interlocal agreement was approved by the District’s Board of Commissioners and the Lee County Board of County Commissioners that memorialized the County’s approval and agreement to allow the District to install, maintain, and control outdoor signage, monuments, and decorative and seasonal banners and lights within the District provided that the District receives voter approval at a districtwide referendum on the District’s signage power; and

WHEREAS, on June 5, 2018, the Lee County Board of County Commissioners also adopted Lee County Resolution No. 18-06-11 which allows the District to pursue the above described signage powers subject to the District obtaining prior voter referendum approval from the qualified electors of the District; and

WHEREAS, the District’s Board of Commissioners seek to formalize and affirm the District’s approval of the referendum language agreed to and adopted by the Lee County Commission in the above referenced interlocal agreement and within Lee County Resolution No. 18-06-11; and

WHEREAS, the District’s Board of Commissioners seek to take all actions as required under applicable Florida law to present the District’s referendum question on signage powers to the District’s qualified voters at the November 6, 2018 election.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE - CALLING FOR REFERENDUM
(F.S. §101.161)

Pursuant to Florida Statutes § 101.161, a referendum election is hereby called for and ordered in Lee County, Florida to be held on November 6, 2018 for the purpose of submitting to the qualified electors of the LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT, the question of whether the District shall implement the signage powers enumerated in Section (2)(g) of Chapter 2015-202, Laws of Florida, as provided for in the interlocal agreement executed between the Board of County Commissioners of Lee County and the Board of Commissioners of the District dated June 5, 2018.

SECTION TWO – COMPLIANCE WITH APPLICABLE LAWS
(F.S. §100.011, §100.342, AND §101.161)

Said election shall be conducted according to the requirements of general law and the laws governing special district elections.

SECTION THREE - CONDUCT OF ELECTION AND OFFICIAL BALLOT
(F.S. §§100.011, 101.151, AND 101.161)

The election shall be held at the polling places and early voting sites designated by the Supervisor of Elections of Lee County, Florida. The polls and early voting sites shall be opened and closed as provided by law. The ballots to be used in said election shall be in the form as provided by law and shall contain the question to be voted upon and said question shall be in substantially the following form:

**Lehigh Acres Municipal Improvement Services District
Signage Power Referendum**

Shall the Lehigh Acres Municipal Services Improvement District implement the power to choose, erect, maintain and control outdoor signage in the District according to that written agreement with the Board of County Commissioners of Lee County dated June 5, 2018?

YES _____
NO _____

SECTION FOUR – NOTICE OF ELECTION
(Pursuant to F.S. §100.342)

Pursuant to Florida Statutes §100.342, the District shall comply with all applicable notice requirements associated with the referendum. The District shall provide at least 30 days' notice of the election or referendum by publication in a newspaper of general circulation in Lee County. The District shall publish such notice at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held.

SECTION FIVE - INTENT TO REIMBURSE
(F.S. §100.011)

Pursuant to Florida Statutes §100.011, the District shall bear responsibility for costs directly associated with the referendum special election or pay the District's proportionate share, if applicable. The District shall reimburse the Lee County Supervisor of Elections immediately upon receipt of invoiced applicable costs.

SECTION SIX - LANGUAGE

To the extent required by law, the official ballot and notice of referendum shall be published in both the English and Spanish language.

SECTION SEVEN – RECITALS

The recitals set forth herein are true and correct and are hereby incorporated fully by reference.

SECTION EIGHT – EFFECTIVE DATE

This Resolution shall take effect immediately upon its adoption. THE FOREGOING RESOLUTION was offered by:

Commissioner Hoover, who moved its adoption. The motion was seconded by Commissioner Bonacolta and, upon being put to a vote, the vote was as follows:

Commissioner Michael J. Welch	<u>Aye</u>
Commissioner David Deetscreek, CDO	<u>Aye</u>
Commissioner Ken Thompson	<u>Excused Absence</u>
Commissioner Mike Bonacolta	<u>Aye</u>
Commissioner Katyna Hoover, CDO	<u>Aye</u>

DULY PASSED AND ADOPTED THIS 28 DAY OF JUNE, 2018 BY THE Board of Commissioners OF THE LEHIGH ACRES MUNICIPAL SERVICES IMPROVEMENT DISTRICT.

ATTEST:

**LEHIGH ACRES MUNICIPAL SERVICES
IMPROVEMENT DISTRICT, an
Independent Special District of the State of
Florida**

By: Katyna Hoover
Katyna Hoover
Treasurer

By: [Signature]
David Deetscreek
Chairman

