

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, PRESENTING A NON-BINDING REFERENDUM QUESTION TO THE ELECTORATE OF THE UNINCORPORATED ESTERO AREA OF LEE COUNTY CONCERNING INCORPORATION OF THEIR COMMUNITY AS A MUNICIPALITY UNDER THE LAWS OF THE STATE OF FLORIDA.

**WHEREAS**, the Board of County Commissioners (Board) is the governing body in and for Lee County, a Charter County and political subdivision of the State of Florida; and

**WHEREAS**, the Board possesses all constitutional and statutory powers for the exercise of County government to include the calling of Special Elections; and

**WHEREAS**, certain citizen representatives of the unincorporated area commonly known as Estero, are asking the Board to bring the issue of the incorporation of the Estero community before the electors of Estero in a non-binding referendum; and

**WHEREAS**, the Board finds that this action serves a public purpose and is to the publics' benefit.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, THAT:**

**SECTION ONE:                    AUTHORITY**

This Resolution is adopted pursuant to Florida Statutes.

**SECTION TWO:                    NON-BINDING REFERENDUM**

The referendum as posed herein shall constitute a non-binding referendum of the electorate in an area commonly known as Estero, in Lee County, Florida, which is described for purposes of this referendum as being consistent with the boundaries of the Estero Fire Rescue District.

**SECTION THREE:                ELECTION ORDERED**

A special non-binding referendum election is hereby ordered to be held in Lee County, Florida, on Tuesday, January 29, 2008.

**SECTION FOUR:                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 the area commonly known as Estero, in Lee County, Florida, residing within the Estero Fire Rescue District area 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 FIVE:                BALLOTS**

The ballots to be used in said election shall be in substantially the following form:

OFFICIAL BALLOT  
SEE EXHIBIT "A", ATTACHED HERETO

**SECTION SIX:                INSTRUCTIONS**

Provision shall be made for instructions to the voters be given as provided for by general law.

**SECTION SEVEN:            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 in Section Five, above.

**SECTION EIGHT:            SPECIAL ELECTION**

The Lee County Supervisor of Elections is hereby requested to hold the non-binding referendum as part of the Presidential Primary and Special Election to be held on Tuesday, January 29, 2008, in accordance with the election laws of the State of Florida.

**SECTION NINE:            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 Canvassing 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 TEN:            NOTICE OF ELECTION**

The Clerk and Lee County staff are hereby authorized and directed to place a Notice of this Special Referendum Election in a newspaper of general circulation published in Lee County. The publication shall be made pursuant to law at least thirty (30) days prior to the referendum and shall be published at least two (2) times, once in the fifth (5<sup>th</sup>) week, and once in the third (3<sup>rd</sup>) week prior to the week in which the

referendum is to be held. The Notice of Referendum shall be in substantially the following form:

SEE: EXHIBIT "B", ATTACHED HERETO

**SECTION ELEVEN: 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 TWELVE: EFFECTIVE DATE**

This Resolution shall become effective immediately upon its adoption by the Lee County Board of County Commissioners.

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Commissioner \_\_\_\_\_ made a motion to adopt the foregoing Resolution, seconded by Commissioner \_\_\_\_\_. The vote was as follows:

ROBERT P. JANES	_____
BRIAN BIGELOW	_____
RAY JUDAH	_____
TAMMARA HALL	_____
FRANK MANN	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BY: \_\_\_\_\_  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Robert P. Janes, Chairman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

**EXHIBIT "A"**

**FORM OF THE BALLOT**

Official Ballot

**NON-BINDING REFERENDUM ON THE  
INCORPORATION OF ESTERO**

Do you favor the unincorporated community of Estero  
being incorporated as a municipality under the Laws of  
the State of Florida?

\_\_\_\_\_ YES FOR APPROVAL  
\_\_\_\_\_ NO FOR REJECTION

**EXHIBIT "B"**

NOTICE OF SPECIAL ELECTION

**PLEASE TAKE NOTICE** that on Tuesday, January 29, 2008, there will be conducted a special non-binding election at which the voters of Estero will be asked if they approve or disapprove of the unincorporated community of Estero being incorporated as a municipality under the laws of the State of Florida. The form of ballot will read substantially as follows:

NON-BINDING REFERENDUM ON THE INCORPORATION OF ESTERO

Do you favor the unincorporated community of Estero being incorporated as a municipality under the Laws of the State of Florida?

\_\_\_\_\_ YES FOR APPROVAL  
\_\_\_\_\_ NO FOR REJECTION

The election will be conducted between the hours of 7:00 a.m. and 7:00 p.m. All duly registered voters in the community of Estero as defined by the boundaries of the Estero Fire Rescue District may participate in the special election.

Information concerning voter registration and precinct locations may be obtained from the office of the Supervisor of Elections, Constitutional Complex, 2480 Thompson Street, Fort Myers, Florida. Phone (239) 533-8683.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Robert P. Janes, Chairman

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
Office of the County Attorney

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