

**Lee County Board Of County Commissioners  
Agenda Item Summary**

**Blue Sheet No. 20050993**

**1. ACTION REQUESTED/PURPOSE:** Conduct a public hearing at 10:00 a.m. to consider the adoption of a County Resolution presenting a Referendum question on the creation of the Sanibel Public Library District, an independent special district, for placement on the November 8, 2005 ballot by the Supervisor of Elections.

**2. WHAT ACTION ACCOMPLISHES:** On March 4, 2005, a bill to create the independent special district (House Bill 1381) was filed with the Florida Legislature. On June 1, 2005 the Act was approved and signed by the Governor (Laws of Florida, Chapter No. 2005-336). The Act requires the approval by a majority vote of those qualified electors of the Sanibel Public Library District (District territory is coterminous with boundaries of the City of Sanibel) voting in a referendum to be conducted by the Lee County Supervisor of Elections.

**3. MANAGEMENT RECOMMENDATION:** Authorize placement of the question on the ballot.

<b>4. Departmental Category:</b>	<b>5. Meeting Date:</b> 08-02-2005 10:00 am
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10:00

<b>6. Agenda:</b> <input type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input checked="" type="checkbox"/> Public <input type="checkbox"/> Walk-On	<b>7. Requirement/Purpose: (specify)</b> <input type="checkbox"/> Statute <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input checked="" type="checkbox"/> Other 10:00 Public Hearing	<b>8. Request Initiated:</b> Commissioner _____ Department County Manager Division _____ By: _____
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**9. Background:**

On November 2, 2004, the City of Sanibel and the Board of County Commissioners entered into an Interlocal Agreement for the interim funding of a library within the City of Sanibel during the creation and establishment of the Sanibel Public Library District.

On March 4, 2005, a bill to create the independent special district (House Bill 1381) was filed with the Florida Legislature. On June 1, 2005 the Act was approved and signed by the Governor (Laws of Florida, Chapter No. 2005-336). The Act requires the approval by a majority vote of those qualified electors of the Sanibel Public Library District voting in a referendum to be conducted by the Lee County Supervisor of Elections. The Supervisor of Elections will be conducting one or more elections within the County on November 8, 2005 and has indicated that she can conduct the election described herein on that date.

Exhibits: Resolutions and Notice of Special Election Attached

**10. Review for Scheduling:**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				[Signature]	7/13/05	[Signature]	7/15/05	7/15/05	7/15/05

**11. Commission Action:**

Approved  
 Deferred  
 Denied  
 Other

CO. ATTY.  
FORWARDED  
TO CO. ADMIN.  
7-12-05

RECEIVED BY  
COUNTY ADMIN: [Signature]  
7-12-05  
4:50  
COUNTY ADMIN  
FORWARDED TO:  
[Signature]

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

**A RESOLUTION CALLING A REFERENDUM ELECTION ON THE QUESTION OF WHETHER THE SANIBEL PUBLIC LIBRARY DISTRICT, AN INDEPENDENT SPECIAL DISTRICT, FOR PUBLIC LIBRARY PURPOSES IN LEE COUNTY WITH THE AUTHORITY TO IMPOSE AN AD VALOREM TAX OF ONE-HALF (1/2) OF ONE (1) MILL SHALL BE CREATED.**

**WHEREAS**, Sanibel Public Library, Inc., a private non-profit corporation, currently operating the Sanibel Public Library, seeks to create and establish a Sanibel Public Library District, an independent special district, with the authority to maintain library facilities, acquire property and levy an annual tax upon all property within the district for purposes of providing the residents within the district with library facilities; and

**WHEREAS**, on November 2, 2004, the City of Sanibel and the Board of County Commissioners entered into an Interlocal Agreement for the interim funding of a library within the City of Sanibel during the creation and establishment of the Sanibel Public Library District, and have supported the adoption of the legislation creating the District, subject to approval by the voters within the District boundaries; and

**WHEREAS**, on March 4, 2005, a bill to create the independent special district (House Bill 1381) was filed with the Florida Legislature. On June 1, 2005 the Act was approved and signed by the Governor (Laws of Florida, Chapter No. 2005-336). The Act requires the approval by a majority vote of those qualified electors of the Sanibel Public Library District (i.e., District territory is coterminous with boundaries of the City of Sanibel) voting in a referendum to be conducted by the Lee County Supervisor of Elections on or before December 1, 2005; and

**WHEREAS**, the Lee County Supervisor of Elections will be conducting one or more elections within the County on November 8, 2005 and has indicated that she can conduct the election described herein on that date.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. This Resolution is authorized by §189.404 (4), Florida Statutes and also by Laws of Florida, Chapter No. 2005-336, in which the Legislature created the Sanibel Public Library District as an independent special district and the Governor approved the establishment of a charter for the creation of the Sanibel Public Library District and required that a Referendum be called by the Lee County Commission and conducted by the Lee County Supervisor of Elections.

2. Pursuant to direction set forth in Section 12, Chapter 2005-336, Laws of Florida, the Lee County Commission hereby calls a Special Referendum Election for the qualified electors within the territory of the Sanibel Public Library District as described in Section 3 of said Chapter 2005-336, Laws of Florida, at an election to be held in conjunction with the election to be held on November 8, 2005 on the question of whether the Sanibel Public Library District shall be created by special act of the Legislature with the authority to impose an ad valorem tax rate not to exceed one-half (½) of one (1) mill. All duly registered voters of the territory of the District, without regard to party affiliations, shall be allowed to participate and vote in such Special Referendum Election.
3. Pursuant to Section 12, Chapter 2005-336, Laws of Florida, the Supervisor of Elections of Lee County is hereby requested and directed to present the ballot question to the voters within the District boundaries and to hold the Special Referendum Election on the election date of November 8, 2005.
4. The form of the ballot will read substantially as follows:

**Ballot Title: Creation of the Sanibel Public Library District**

**Ballot Question:**

**Shall an independent special district, the Sanibel Public Library District, be created by special act of the Legislature with authority to impose an ad valorem tax at a rate not to exceed one-half (½) of one (1) mill?**

**Yes, for Approval \_\_\_\_\_**  
**No, for Rejection \_\_\_\_\_**

4. The Special Referendum Election shall be held at the polling places duly designated in each precinct in the territory of the District (i.e., City of Sanibel) and be conducted by election officials duly appointed by applicable general law. The hours of election, absentee voting, canvassing, delivery of ballots and publication of notice of the Referendum question shall be as provided by the requirements of law. Said election and all proceedings shall be conducted according to the requirements of the Florida Election Laws.
5. The Board of County Commissioners or its designees are hereby authorized to take all those actions necessary in order that these Referendum propositions are properly placed on the ballot for the election of November 8, 2005.

6. A copy of Exhibit "A", hereto, shall be advertised in accordance with the provisions of Section 100.342, Florida Statutes, to ensure public notice of the Referendum proposition. Proofs of publication shall be provided to the Chairman of the Board of County Commissioners for Lee County upon their receipt following publications.
7. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner \_\_\_\_\_ who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, being put to a vote, the vote was as follows:

DOUGLAS ST. CERNY	_____
TAMMY HALL	_____
RAY JUDAH	_____
ROBERT JANES	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS \_\_\_\_\_ day of \_\_\_\_\_, 2005

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

APPROVED AS TO FORM:

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

**NOTICE OF SPECIAL ELECTION**

PLEASE TAKE NOTICE THAT ON Tuesday, November 8, 2005, there will be conducted a special election at which the voters of Lee County residing within the territory of the Sanibel Public Library District as described in Chapter 2005-336, Laws of Florida, (which territory is coterminous with the boundaries of the City of Sanibel) will be asked if they approve or disapprove of the creation of the Sanibel Public Library District, an independent special district for the purposes of providing public library services within the city, to become effective, if approved, upon certification of election results. The form of the ballot will read substantially as follows:

**Ballot Title: Creation of the Sanibel Public Library District**

**Ballot Question:**

**Shall an independent special district, the Sanibel Public Library District, be created by special act of the Legislature with authority to impose an ad valorem tax at a rate not to exceed one-half (½) of one (1) mill?**

**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 of Sanibel may participate in the election. A copy of this Notice containing the proposed ballot question and Chapter 2005-336, Laws of Florida (HB 1381) are on file in the Minutes Office of the Clerk of Court of Lee County, Florida, on the second floor of the Courthouse Administration Building located at 2115 Second Street, Fort Myers, Florida and may be inspected or copied during regular business hours.

Information concerning voter registration and precinct locations may be obtained from the office of the Supervisor of Elections, Sharon L. Harrington, Election Office at Constitutional Complex, 2480 Thompson Street, Fort Myers, Florida 33901, telephone (239) 533-8683.

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

(Seal)

By: \_\_\_\_\_  
Chairman

Ad Size: 2 x 5

Publication dates: October 4, 2005 & October 18, 2005

**Exhibit "A"**