

RESOLUTION NO. 2000-156

A RESOLUTION OF THE COUNTY COUNCIL OF THE COUNTY OF VOLUSIA, FLORIDA, ORDERING AND PROVIDING FOR HOLDING OF A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS OF THE COUNTY OF VOLUSIA, FLORIDA, APPROVE THE LEVY OF AN ADDITIONAL AD VALOREM TAX NOT EXCEEDING 1/5 MILL FOR 20 YEARS AND THE ISSUANCE OF NOT EXCEEDING \$40,000,000 LIMITED TAX GENERAL OBLIGATION BONDS, TO BE ISSUED IN ONE OR MORE SERIES, PAYABLE THEREFROM, IN ORDER TO FINANCE ENVIRONMENTAL, CULTURAL, HISTORIC AND OUTDOOR RECREATION PROJECTS TO ENHANCE OUR QUALITY OF LIFE AND PURPOSES INCIDENTAL THERETO; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Volusia County recognizes the need to plan for future growth and desires to enhance the quality of life for its residents by providing environmental, cultural, historical and outdoor recreational opportunities through a program to be known as Volusia ECHO, and

WHEREAS, the Volusia County Comprehensive Plan encourages the preservation of significant archaeological or historic resources and the development, enhancement, and promotion of heritage tourism opportunities, experiences, and resources in Volusia County; and

WHEREAS, it is an objective of Volusia County to foster public memory and community identity by promoting and providing access to destinations and experiences associated with past events, peoples and places; and

WHEREAS, there is a continuing need for high quality user oriented outdoor recreational opportunities; and

WHEREAS, access to the Atlantic Ocean Beach through establishment of oceanfront parks and provision of off-beach parking promotes outdoor recreational activity; and

WHEREAS, the Volusia County Comprehensive Plan recognizes the role of cultural arts in improving the quality of life for its citizens, increasing its tourism-based economy, and in redevelopment by encouraging people to spend time in downtowns and urban areas; and

WHEREAS, a long term development program funding for Volusia ECHO is required and if said funding is authorized by the voters of Volusia County and the County Council in its discretion levies the necessary millage, it is in the public's interest to have any resulting acquisition and improvement program procedurally implemented in a manner that sets specific guidelines for the program to ensure effective and successful completion of the program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS ____ DAY OF AUGUST, 2000, A.D., AS FOLLOWS:

SECTION I. Findings.

It is found and declared that:

(A) This Resolution is adopted pursuant to the County's Home Rule Charter, Chapter 125, Florida Statutes, Chapters 100 and 101, Florida Statutes, and other applicable provisions of law.

(B) It is desired to authorize the annual levy of an additional ad valorem tax not exceeding 1/5 mill for twenty years to fund the recreation, historic and cultural projects to enhance the quality of life either from taxes collected and on deposit or from the proceeds of the issuance of short and/or long term indebtedness authorized herein payable from the aforesaid additional ad valorem tax.

(C) For as long as the debt issued pursuant to Resolution No. 88-59 is outstanding and not legally defeased, it is intended that (1) the County Council will not levy in excess of 1/4 mill in any year for the aggregate of the millage approved herein and the millage levied for payment of the debt issued pursuant to Resolution No. 88-59, or (2) if the millage authorized by Resolution No. 2000-155 is also approved, the County Council will not levy in excess of 2/5 mill in any year for the aggregate of the millage approved herein, the millage approved by Resolution No. 2000-155 and the millage levied for the payment of debt issued pursuant to Resolution No. 88-59.

(D) The expenditures authorized serve a paramount public purpose.

(E) It is in the best interest of the County to issue such Bonds as are necessary or desirable to finance projects payable as heretofore described.

(F) The recitations of the preamble are hereby adopted as findings herein.

SECTION II. Election Ordered.

An election be and is hereby ordered to be held in Volusia County, Florida, on November 7, 2000, to determine whether or not levy of additional ad valorem tax and issuance of Limited Tax General Obligation Bonds for said purpose shall be approved by the electors of the County.

SECTION III. Voting.

The polls will be open at the voting places on the date of such bond 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 election as hereinafter provided. The bond election shall be held and conducted in the place or places prescribed by law for general elections in the County. The 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 a county canvassing board to be comprised of a county court judge and

two members of the county Council (collectively, the "Canvassing Board") and all procedures and requirements of state law, the Charter 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 election shall be on plain white paper with printed description of the proposed levy of the tax and issuance of the Bonds, and which will provide facilities for qualified electors to vote for or against the levy of the tax and issuance of the Bonds as they may choose. Voting equipment shall be used at such election or such other means as is deemed appropriate and permitted by law by the Supervisor of Elections. The question appearing on the ballots to be used in the election shall be in substantially the following printed form:

BALLOT

VOLUSIA ECHO: ENVIRONMENTAL, CULTURAL,
HISTORIC AND OUTDOOR RECREATION
PROJECTS TO ENHANCE OUR QUALITY OF LIFE

SHALL VOLUSIA COUNTY FUND THE ACQUISITION,
RESTORATION, CONSTRUCTION AND IMPROVEMENT
OF ENVIRONMENTAL, CULTURAL, HISTORIC AND
OUTDOOR RECREATION PROJECTS FOR PUBLIC USE,
INCLUDING ISSUING BONDS THEREFORE IN AN
AMOUNT NOT EXCEEDING \$40,000,000 BEARING
INTEREST NOT EXCEEDING THE MAXIMUM LEGAL
RATE, PAYABLE FROM AN ADDITIONAL AD VALOREM
TAX NOT EXCEEDING 1/5 MILL LEVIED FOR 20 YEARS?

YES (FOR BONDS) _____
NO (AGAINST BONDS) _____

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 such 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 levy of the tax and issuance of the Bonds shall be "YES" (For Bonds) such levy and issuance shall be approved, may be issued by the County pursuant to the terms and provisions of the charter and the other provisions of applicable law. Regardless of the results of the election, the County Manager 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 News Journal, 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 AND BOND REFERENDUM
COUNTY OF VOLUSIA, FLORIDA,
ON NOVEMBER 7, 2000

NOTICE IS HEREBY GIVEN THAT A COUNTY OF VOLUSIA, FLORIDA, TAX AND BOND REFERENDUM will be held on the 7th day of November, 2000, in the County of Volusia, Florida, for the purpose of determining whether or not an additional ad valorem tax not exceeding 1/5 mill shall be levied for 20 years and Limited Tax General Obligation Bonds of the county issued in one or more series, payable therefrom shall be issued in the aggregate principal amount of not exceeding \$40,000,000, bearing interest, payable at such interest rate or rates not exceeding the maximum rate permitted by law and redeemable as shall be determined at or before the time of sale thereof, maturing over a period of not to exceed twenty years from the date of the bonds, to finance environmental, cultural, historic and outdoor recreation projects to enhance our quality of life and purposes incidental thereto.

The polls will be open at the voting places on the date of bond election at 7:00 a.m. to 7:00 p.m. on the same day, all as provided in Resolution No. 2000-156 adopted by the County Council of the County of Volusia, Florida, on August 17, 2000, which is a matter of public record.

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

The County of Volusia, Florida
James E. Ward, Chair
of the County Council

SECTION IX. Oversight Committee.

In order to ensure that proceeds are used solely to finance acquisition, restoration, construction and improvement of recreation, historic and cultural facilities for public use, the County Council shall create an advisory oversight committee, by June 1, 2001, to provide for ongoing review of all projects under consideration and to make recommendations to the Council.

SECTION X. Criteria and Procedures.

The County Council may fund projects by direct county expenditure for County government projects or by grant-in-aid awards. It is the intent of the County Council that the funds be allocated throughout the County to provide broad geographical distribution and apportioned appropriately among the environmental, cultural, historic and outdoor recreation projects. Grants-in-aid shall be awarded on a matching basis only by the Council on the recommendation of an oversight committee to Volusia County municipalities and non-profit organizations, subject to standards, procedures, and criteria established by the Council. Such criteria shall include that the grantee must provide at least a 50% match and:

- Stated purpose for inclusion
- Geographical distribution of grant awards
- Revenue-generating potential of the project
- Timetable for project completion
- Provisions for protecting existing infrastructure
- Anticipated costs of operations
- Projected costs to achieve the project goals
- Amount of matching funds
- Availability of matching funds/ Amount of matching funds
- Specific performance measures
- Plans for and level of public access and use
- A management policy statement for the project
and a management prospectus
- Security for grant funds

SECTION XI. Effective Date.

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

DONE AND ORDERED IN OPEN MEETING.

ATTEST:

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

Ray W. Pennebaker
Acting County Manager

James E. Ward, Chair