

RESOLUTION NO. 2000-155

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 ACQUISITION AND IMPROVEMENT OF ENVIRONMENTALLY SENSITIVE, WATER RESOURCE PROTECTION AND OUTDOOR RECREATION LANDS AND PURPOSES INCIDENTAL THERETO; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Volusia County recognized the need to plan for future growth and desires to initiate a long-term program, known as Volusia Forever, to acquire and improve environmentally sensitive, water resource and outdoor recreation lands, and

WHEREAS, the history of Volusia County is marked with efforts to conserve the County's unique ecological character and to preserve valuable ecosystems for future generations; and

WHEREAS, it remains the goal of Volusia County to conserve, maintain, and where necessary, restore the natural environment and provide access for the enjoyment and education of the public; and

WHEREAS, Florida's groundwater, surface waters and springs are under pressure due to population growth and economic expansion and resources are needed to ensure that sufficient quantities of water are available to meet the current and future needs of the

1 natural systems and citizens of the state; and

2 WHEREAS, access to public lands support a broad range of outdoor recreational
3 opportunities and the development of necessary infrastructure, where compatible with the
4 resource values of and management objectives for such lands, promotes an appreciation
5 for Florida’s natural assets and improves the quality of life; and

6 WHEREAS, the need for high-quality resource based outdoor opportunities,
7 greenways, trails, and open space have not been fully met by previous acquisition
8 programs and additional emphasis on acquiring, protecting preserving and restoring open
9 space, greenways, and public access is necessary; and

10 WHEREAS, acquisition to protect the integrity of ecological systems provide
11 multiple benefits, including preservation of habitat, recreation space for urban as well as
12 rural areas, and water recharge; and

13 WHEREAS, a long-term acquisition and improvement program is needed and
14 funding is required, and

15 WHEREAS, a long-term financial commitment to managing public lands must
16 accompany any new land acquisition program to ensure that the natural resource values of
17 such lands are protected and that the public has the opportunity to enjoy the lands to their
18 fullest potential; and

19 WHEREAS, if said funding is authorized by the voters of Volusia County and the
20 County Council in its discretion levies the necessary millage, it is in the public’s interest to
21 have any resulting acquisition and improvement program procedurally implemented in a
22 manner that sets specific guidelines for the program to ensure effective and successful
23 completion of the Volusia Forever program.

1 NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA
2 COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY
3 COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123
4 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 17th DAY OF AUGUST, 2000,
5 A.D., AS FOLLOWS:

6
7 **SECTION I. Findings.**

8 It is found and declared that:

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

12 (B) It is desired to authorize the annual levy of an additional ad valorem tax not
13 exceeding 1/5 mill for twenty years to fund the acquisition of water resource and
14 environmentally sensitive land for conservation and public use either from taxes collected
15 and on deposit or from the proceeds of the issuance of short and/or long term
16 indebtedness authorized herein payable from the aforesaid additional ad valorem tax.

17 (C) For as long as the debt issued pursuant to Resolution No. 88-59 is
18 outstanding and not legally defeased, it is intended that (1) the County Council will not levy
19 in excess of 1/4 mill in any year for the aggregate of the millage approved herein and the
20 millage levied for payment of the debt issued pursuant to Resolution No. 88-59, or (2) if
21 the millage authorized by Resolution No. 2000-156 is also approved, the County Council
22 will not levy in excess of 2/5 mill in any year for the aggregate of the millage approved
23 herein, the millage approved by Resolution No. 2000-156 and the millage levied for the
24 payment of debt issued pursuant to Resolution No. 88-59.

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

26 (E) It is in the best interest of the County to issue such Bonds as are necessary

1 or desirable to finance projects payable as heretofore described.

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

3 **SECTION II. Election Ordered.**

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

8

9 **SECTION III. Voting.**

10 The polls will be open at the voting places on the date of such election from 7:00
11 a.m. to 7:00 p.m. on the same day. All qualified electors residing within the County shall
12 be entitled and permitted to vote at such election as hereinafter provided. The bond
13 election shall be held and conducted in the place or places prescribed by law for general
14 elections in the County. The election shall be held and conducted in the manner
15 prescribed by law for holding general elections in the County, and the County Manager
16 and Supervisor of Elections are directed to take all necessary measures to conduct the
17 election in all manner required by law. The returns shall be properly canvassed by a
18 county canvassing board to be comprised of a county court judge and two members of the
19 County Council (collectively, the "Canvassing Board") and all procedures and
20 requirements of state law, the Charter and other applicable law shall be complied with for
21 the purpose of conducting the computation of ballots and completion of election
22 procedures.

1 **SECTION IV. Ballots.**

2 The ballots to be used in the election shall be on plain white paper with printed
3 description of the proposed levy of the tax and issuance of the Bonds, and which will
4 provide facilities for qualified electors to vote for or against the levy of the tax and issuance
5 of the Bonds as they may choose. Voting equipment shall be used at such bond election
6 or such other means as is deemed appropriate and permitted by law by the Supervisor of
7 Elections. The question appearing on the ballots to be used in the election shall be in
8 substantially the following printed form:

9

10

BALLOT

11

VOLUSIA FOREVER: ACQUISITION AND IMPROVEMENT
OF ENVIRONMENTALLY SENSITIVE, WATER RESOURCE
PROTECTION AND OUTDOOR RECREATION LANDS

12

SHALL VOLUSIA COUNTY FUND THE ACQUISITION AND
IMPROVEMENT OF ENVIRONMENTALLY SENSITIVE,
WATER RESOURCE PROTECTION AND OUTDOOR
RECREATION LANDS AND RELATED PROPERTY
INTERESTS FOR THE PURPOSES OF CONSERVATION
AND RESOURCE-BASED RECREATION, 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?

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YES (FOR BONDS) _____

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NO (AGAINST BONDS) _____

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1 **SECTION V. Absentee Voting.**

2 Adequate provision shall be made for absentee voting. Ballots shall be used
3 suitable for absentee voting at the election. The form of ballots to be used in the election
4 for absentee voters shall be in substantially the form set out above and in accordance with
5 the Florida Election Code.

6 **SECTION VI. Results of Election.**

7 Returns of the votes cast at the election shall be made to and canvassed by the
8 Canvassing Board and such Board shall declare the results and certify the same to the
9 County Manager to be recorded in the minutes of the County. If a majority of the votes
10 cast at such election in respect to the levy of the tax and issuance of the Bonds shall be
11 “YES” (For Bonds), such issuance shall be approved, may be issued by the County
12 pursuant to the terms and provisions of the charter and the other provisions of applicable
13 law. Regardless of the results of the election, the County Manager is hereby directed to
14 submit such results to the Department of State pursuant to Section 100.351, Florida
15 Statutes.

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17 **SECTION VII. Publication of Resolution and Notice.**

18 At least 30 days’ notice of the election shall be published in the News Journal, or
19 any other newspaper of general circulation within the County, at least twice, once in the
20 fifth week and once in the third week prior to the week in which the election is held, in the
21 manner provided in Section 100.342, Florida Statutes.

1 The notice of election shall be in substantially the following form:

2 NOTICE OF TAX AND BOND REFERENDUM
3 COUNTY OF VOLUSIA, FLORIDA,
4 ON NOVEMBER 7, 2000
5

6 NOTICE IS HEREBY GIVEN THAT A COUNTY OF
7 VOLUSIA, FLORIDA, TAX AND BOND REFERENDUM will be
8 held on the 7th day of November, 2000, in the County of
9 Volusia, Florida, for the purpose of determining whether or not
10 an additional ad valorem tax not exceeding 1/5 mill shall be
11 levied annually for 20 years and Limited Tax General
12 Obligation Bonds of the county issued in one or more series,
13 payable therefrom shall be issued in the aggregate principal
14 amount of not exceeding \$40,000,000, bearing interest,
15 payable at such interest rate or rates not exceeding the
16 maximum rate permitted by law and redeemable as shall be
17 determined at or before the time of sale thereof, maturing over
18 a period of not to exceed twenty years from the date of the
19 bonds, to finance acquisition and improvement of
20 environmentally sensitive, water resource protection and
21 outdoor recreation lands and purposes incidental thereto.
22

23 The polls will be open at the voting places on the date
24 of bond election at 7:00 a.m. to 7:00 p.m. on the same day, all
25 as provided in Resolution No. 2000-155 adopted by the
26 County Council of the County of Volusia, Florida, on August
27 17, 2000, which is a matter of public record.
28

29 All qualified electors residing within the County of
30 Volusia shall be entitled qualified and permitted to vote at such
31 election.
32

33 The County of Volusia, Florida
34 James E. Ward, Chair
35 of the County Council
36
37

38 **SECTION IX. Oversight Committee.**

39 In order to implement a program to finance negotiations, acquisition, protection,
40 restoration, access, and management costs, the County Council shall create an advisory

1 oversight committee, by June 1, 2001, to conduct an ongoing review of all projects under
2 consideration and to make recommendations to the Council.

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4 **SECTION X. Policies and Procedures.**

5 The oversight committee shall recommend a land acquisition program with policies,
6 procedures, standards and criteria for the purchase of endangered and conservation
7 lands, and water resource areas. Each project must state a public purpose for the
8 restoration, conservation, or preservation of environmentally sensitive lands and water
9 areas and for providing public use opportunities. It is the intent of the program to achieve
10 maximum impact by partnering with other entities through award or acceptance of grants,
11 joint projects and other cooperative efforts. It is the intent of the county to use the funds
12 approved herein to apply for matching grants awarded under the Florida Forever Program,
13 set forth in Chapter 99-247, Laws of Florida, and any amendments thereto and any similar
14 federal funding program, to maximize the use of public monies to benefit Volusia County.
15 The goals and criteria of the Florida Forever Program will provide the basis for the
16 adoption of the policies utilized in the implementation of the Volusia Forever program.

17 **SECTION XI. Acquisition Goals.**

18 Acquisition projects must contribute to the following goals:

- 19 Increase in the level of protection, and increase
- 20 in the population of, listed species
- 21 Restoration of land areas
- 22 Completion of projects begun under previous
- 23 land acquisition programs
- 24 Increase in the amount of forest land for sustainable natural resources
- 25 Increase in resource-based public use opportunities
- 26 Improvement of water recharge rates on public lands

1 Protection of natural flood plain functions and prevention of
2 or reduction in flood damage
3 Restoration of degraded water bodies
4 Restoration of wetlands
5 Preservation of strategic wetlands
6 Preserving of, or reduction of contaminants in, aquifers and springs
7 Greenways and open space and improving natural systems corridors
8 Water resource development
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11 **SECTION XII. Acquisition Priorities.**

12 Priority will be given to acquisitions which achieve a combination of conservation
13 goals, including improving water resources and natural groundwater recharge, provide
14 resource based recreation opportunities.

15 **SECTION XIII. Public Access.**


16 Lands shall be managed and maintained to the extent practicable in such a way as
17 to ensure a balance between public access and restoration and protection of their natural
18 state and condition. Public access, as well as public use, will be determined in the
19 management plans.

20 **SECTION XIV. Effective Date.**

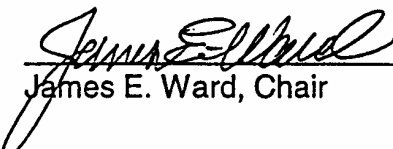
21 This Resolution shall go into effect immediately upon its passage and adoption.
22

23 **DONE AND ORDERED IN OPEN MEETING.**

24
25
26 ATTEST:

27 
28 _____
29 Ray W. Pennebaker
30 Acting County Manager
31

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA



James E. Ward, Chair