

RESOLUTION NO. 2022-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA CALLING A BOND REFERENDUM ELECTION FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS; PROVIDING THE FORM OF THE BALLOT TITLE AND THE BOND REFERENDUM QUESTION; PROVIDING FOR PLACES OF VOTING, PRINTING OF BALLOTS AND BOND REFERENDUM ELECTION PROCEDURE; PROVIDING FOR EFFECT OF REFERENDUM RESULTS; PROVIDING FOR A GENERAL DESCRIPTION OF THE PROJECTS TO BE FUNDED BY THE BONDS ISSUED PURSUANT TO THE BOND REFERENDUM; PROVIDING AUTHORIZATION FOR NECESSARY ACTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 18, 1992, the Indian River County Board of County Commissioners ("Board") adopted Resolution No. 92-146, calling for a bond referendum, as more specifically set forth in the resolution; and

WHEREAS, on November 3, 1992, Indian River County, Florida (the "County") conducted a bond referendum that was approved by a majority of the voters voting thereon, concerning whether the County should be authorized to acquire environmentally significant land to protect water quality, open spaces and wildlife habitat, by issuing one or more series of general obligation bonds (collectively, the "1992 Bonds"), as more specifically set forth in the referendum question; and

WHEREAS, on June 22, 2004, the Board adopted Resolution No. 2004-062, calling for a new bond referendum, as more specifically set forth in the resolution; and

WHEREAS, on November 2, 2004, the County conducted a bond referendum that was approved by a majority of the voters voting thereon, concerning whether the County should be authorized to acquire environmentally significant land to protect water quality, open spaces and wildlife habitat, by issuing one or more series of general obligation bonds (collectively, the "2004 Bonds"), as more specifically set forth in the referendum question; and

WHEREAS, the proceeds of the 1992 Bonds and 2004 Bonds have all been allocated to purchase lands; and

WHEREAS, the Board desires to call for a new referendum on a new land acquisition bond question to allow for the acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources, drinking water sources, wildlife habitat and natural areas, and construct public access improvements related thereto; and

WHEREAS, it is in the best interest of the citizens of the County that all appropriate actions be taken to allow for the acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources, wildlife habitat, drinking water sources and natural areas, and construct public access improvements related thereto; and

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Indian River County, Florida, that:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to the authority granted to the County by Chapter 125 and Chapter 100, Florida Statutes, and other applicable provisions of law.

SECTION 2. BOND REFERENDUM ELECTION. A bond referendum election of the qualified electors residing in the County is hereby called to be held in Indian River County, Florida during the general election on November 8, 2022 (the "2022 Referendum"), and the Supervisor of Elections shall cause to be placed on the ballot for the November 8, 2022 general election, the bond referendum question set forth in Section 3 of this Resolution. All qualified electors residing in the County shall be entitled and permitted to vote in such bond referendum election.

SECTION 3. OFFICIAL BALLOT. The form of ballot to be used shall be in substantially the following form:

OFFICIAL BALLOT

COUNTY OF INDIAN RIVER, FLORIDA
BOND REFERENDUM ELECTION – NOVEMBER 8, 2022

ACQUIRE LANDS TO PROTECT WATER RESOURCES, THE INDIAN RIVER LAGOON,
NATURAL AREAS, AND WILDLIFE HABITAT

To acquire and permanently preserve environmentally significant lands to restore the Indian River Lagoon, protect water resources, natural areas, wildlife habitat, drinking water resources, and construct public access improvements related thereto, shall Indian River County be authorized to issue general obligation bonds up to \$50,000,000, maturing within 20 years from each issuance, not exceeding the legal maximum interest rate, payable from ad valorem taxes, with full public disclosure of all spending through annual independent audits?

For Bonds _____
Against Bonds _____

SECTION 4. PLACE OF VOTING. The places of voting and the inspectors and clerks for the polling places for the bond referendum election shall be the same places and persons as for the general election to be held on the same date. The polls will be open in accordance with law relating to general elections at the various voting places from seven (7) o'clock a.m. until seven (7) o'clock p.m. on the same day.

SECTION 5. ABSENTEE VOTING. The form of ballot to be used in the election for absentee voters shall be substantially the form provided in Section 3 above.

SECTION 6. PRINTING OF BALLOTS. The Supervisor of Elections of Indian River County is authorized and directed to have printed on plain white paper a sufficient number of the aforesaid ballots for use of absentee electors entitled to cast such ballots in such bond election and shall also have printed sample ballots and deliver them to the inspectors and clerks on or before the opening of the polls for such bond election for the voting places; and, further, is authorized and directed to make appropriate arrangements for the conduct of the election at the polling places specified.

SECTION 7. BOND REFERENDUM ELECTION PROCEDURE. The Supervisor of Elections shall hold, administer and conduct the bond referendum election in the manner prescribed by law for holding elections in Indian River County. Returns shall show the number of qualified electors who voted at such bond referendum election on the proposition and the number of votes cast respectively for and against approval of the bond referendum proposition. The returns shall be canvassed in accordance with law.

SECTION 8. BOND REFERENDUM ELECTION RESULTS. If a majority of the votes cast at such bond referendum election in respect to the bond referendum proposition shall be "For Bonds," such proposition shall be approved and then the particular bonds, the issuance of which shall be thereby approved, shall be issued as hereafter provided by the County. If a majority of the votes cast at such referendum shall be "Against Bonds," such proposition shall be defeated and no bonds may be issued and no ad valorem tax shall be levied therefor.

SECTION 9. NOTICE OF BOND REFERENDUM ELECTION. Notice of the bond referendum election shall be published in the manner required by law.

SECTION 10. AUTHORIZING NECESSARY ACTION. The Board hereby authorizes the proper officials to do all things deemed necessary in connection with the holding of the bond referendum election, to the extent provided by law and in this Resolution.

SECTION 11. AUTHORIZATION OF BONDS. Subject to and pursuant to the provisions hereof, one or more series of general obligation bonds of Indian River County, Florida are authorized to be issued, from time to time, in an aggregate principal amount not exceeding \$50,000,000 and maturing not later than twenty (20) years from the date of issuance of each respective series, to finance the cost of the purposes generally describe in Section 13 of this Resolution ("Bonds"), including allocations for administrative costs, legal fees, fees of fiscal agents, and all other costs associated with the issuance of the Bonds, payable from ad valorem taxes levied on all taxable property in the County, if approved by the qualified electors, to finance the cost of the acquisition of environmentally significant lands to restore the Indian River Lagoon, protect water resources, drinking water sources, wildlife habitat and natural areas, and construct public access improvements related thereto, all in Indian River County. Such Bonds shall bear interest at such rate or rates not exceeding the maximum rate permitted by law at the time of the sale of the Bonds.

SECTION 12. BOARD COMMITMENTS ASSOCIATED WITH THE BONDS.

1. The Board hereby commits to do the following if the 2022 Referendum is approved by the voters:

- A. Seek matching funds in connection with the acquisition of the Projects (as defined below) to the maximum extent such matching funds are available;
- B. Make specific provisions for annual independent audit of the uses of the proceeds of the Bonds.

2. The Board hereby commits to revise the Environmental Lands Program Guide to provide criteria and guidelines for the purposes of the Projects prior to the 2022 Referendum.

SECTION 13. PROJECTS. For purposes of the 2022 Referendum and the Bonds, "Projects" means the acquisition by the County of environmentally significant lands to restore the Indian River Lagoon, protect water resources and/or drinking water sources, wildlife habitat and natural areas, by purchasing permanent interests in lands to accomplish the same, including, but not limited to, fee simple interest, less than fee simple interest, conservation easements, and the acquisition of other similar interests in lands to restore the Indian River Lagoon and protect water resources and/or drinking water sources, wildlife habitat and natural areas, and to construct public access improvements such as parking facilities, restroom facilities, trails and other such infrastructure in connection therewith, together with the necessary preservation, restoration, remediation and reclamation activities to preserve, protect, or enhance such property, or restore such property to its natural state, including customary and necessary costs and expenses incurred in the acquisition of any such lands and all expenses incident to the sale, issuance and delivery of the Bonds, all as shall be more specifically determined by subsequent resolution of the County.

SECTION 14. SEVERABILITY. In the event that any word, phrase, clause, 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 15. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption. The Clerk of the Board of County Commissioners shall provide the Supervisor of Elections with a certified copy of this Resolution.

RESOLUTION NO. 2022-_____

This Resolution was moved for adoption by Commissioner _____ and the motion was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Chairman Peter D. O'Bryan _____
Vice Chairman Joe Earman _____
Commissioner Susan Adams _____
Commissioner Joseph E. Flescher _____
Commissioner Laura Moss _____

The Chairman thereupon declared this Resolution duly passed and adopted this 8th day of March, 2022.

INDIAN RIVER COUNTY, FLORIDA,
by its Board of County Commissioners

ATTEST:

By: _____
Deputy Clerk

By: _____
Peter D. O'Bryan, Chairman

BOCC Approved: March 8, 2022

Approved as to form and legal sufficiency:

By: _____
Dylan Reingold, County Attorney