

RESOLUTION NO. PT2006-01

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF PINE
TREE WATER CONTROL DISTRICT CALLING FOR A
REFERENDUM IN ACCORDANCE WITH CHAPTER 2005-295,
LAWS OF FLORIDA, TO BE HELD ON JULY 18, 2006, TO
DETERMINE WHETHER THE PINE TREE WATER CONTROL
DISTRICT SHALL BECOME A DEPENDENT DISTRICT OF THE
VILLAGE OF WELLINGTON; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, in the 2005 Florida legislative session, Pine Tree Water Control District, hereinafter referred to as "Pine Tree", requested the passage of a local bill calling for Pine Tree, to become a dependent district of the Village of Wellington: and

WHEREAS, Chapter 2005-295, Laws of Florida, became law and authorizes Pine Tree to become a dependent district of the Village of Wellington subject to the approval of a majority of the qualified electors of Pine Tree in a referendum; and

WHEREAS, the referendum must take place before December 1, 2006.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE
PINE TREE WATER CONTROL DISTRICT, AS FOLLOWS:**

SECTION 1: The foregoing recitals are hereby affirmed and ratified.

SECTION 2: The Board of Supervisors of Pine Tree does hereby call for a referendum to be conducted by the Supervisor of Elections of Palm Beach County. The purpose of the referendum shall be to determine whether Pine Tree shall become a dependent district of the Village of Wellington. The authority for the conduct of this referendum is Chapter 2005-295, Laws of Florida.

SECTION 3: Only those qualified electors (i.e. landowners) of Pine Tree may vote in the referendum.

SECTION 4: The Palm Beach County Supervisor of Elections is to conduct the referendum. The Board Secretary is hereby designated as Pine Tree's liaison to the Supervisor to coordinate the location of polling places, selection, appointment and payment of poll workers and determination of the list of eligible voters.

SECTION 5: The ballot language for the referendum question shall be:

SHALL THE PINE TREE WATER CONTROL DISTRICT BECOME A DEPENDENT DISTRICT OF THE VILLAGE OF WELLINGTON AND VILLAGE OF WELLINGTON COUNCIL MEMBERS ASSUME THE DUTIES AND RESPONSIBILITIES OF THE BOARD OF SUPERVISORS OF THE DISTRICT?

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YES

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NO

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3 **SECTION 6:** The Board Secretary shall notice the referendum in accordance with the
4 provisions of Section 100.342, Florida Statutes.
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6 **SECTION 7:** The referendum election shall be held from 3:00 p.m. to 7:30 p.m. on the
7 18th day of July, 2006. All polling shall take place at the Village of Wellington Meeting Hall,
8 14000 Greenbriar Boulevard, Wellington, Florida. Each elector shall be entitled to one vote per
9 acre or portion thereof owned by the elector. The elector shall not be able to split their votes, all
10 must either be cast in the affirmative or in the negative. Electors must appear and register in
11 person at the polling place. Absentee balloting shall be allowed. There shall be no proxy voting
12 or early voting allowed. Notice of the Election will be advertised in accordance with the
13 requirements of Chapter 100.342 of the Florida State Statutes. In addition, Notice of the
14 Election will also be sent via regular mail to each landowner thirty (30) days prior to the Election.
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16 **SECTION 8:** The Board Secretary is hereby directed to forward a copy of this resolution
17 to the Palm Beach County Supervisor of Elections upon its adoption.
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19 **SECTION 9:** If a majority of votes cast by the eligible electors of Pine Tree
20 participating in the referendum, are in favor of the referendum, Pine Tree shall become a
21 dependent district of the Village of Wellington, pursuant to Section 2 of Chapter 2005-295, Laws
22 of Florida.
23

24 **SECTION 10:** The Palm Beach County Supervisor of Elections shall certify the
25 referendum results and forward the certified results to the offices of the Village of Wellington
26 and Pine Tree as listed below in addition to forwarding such results to the Secretary of State for
27 the State of Florida.
28

Village Manager
Village of Wellington
14000 Greenbriar Boulevard
Wellington, Florida 33414

Board Secretary
Pine Tree Water Control District
14000 Greenbriar Boulevard
Wellington, Florida 33414

29 **SECTION 11:** This Resolution shall take effect immediately upon its adoption.
30
31

32 **PASSED AND ADOPTED** this 10th day of April 2006
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34 **ATTEST:**

PINE TREE WATER CONTROL DISTRICT

35 By: Awilda Rodriguez
36 Awilda Rodriguez, Secretary

37 By: Chris Wallace
38 Chris Wallace, President

39 **APPROVED AS TO FORM
40 AND LEGAL SUFFICIENCY**

41 By: Jeffrey S. Kurtz, Board Attorney
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MEMORANDUM

TO: PINE TREE BOARD OF SUPERVISORS

FROM: JEFFREY S. KURTZ, ESQ.

SUBJECT: PINE TREE REFERENDUM AND ELECTIONS

CC: CHARLES H. LYNN, DISTRICT ADMINISTRATOR
FRANCINE RAMAGLIA, DISTRICT TREASURER
GARY CLOUGH, DISTRICT ENGINEER
AWILDA RODRIGUEZ, DISTRICT CLERK

DATE: JANUARY 30, 2006

The Pine Tree Board of Supervisors and the Village Council supported the Local Bill to make the Pine Tree Water Control District a dependent district of the Village of Wellington. The major impact in becoming a dependent district is the Board of Supervisors and the Village Council are the same people. In such a situation, there is no separate election by the landowners for the Board of Supervisors. Acme Improvement District is a dependent district of the Village of Wellington and the Village Council members also act as the Board of Supervisors for Acme.

This legislation was passed by the Florida Legislature and signed by the Governor in 2005. A copy of the enrolled bill is attached.

In order for the law to be effective, the Pine Tree Board of Supervisors is required to call a referendum to be voted on by the electors of the Pine Tree Water Control District. Such referendum must take place by December of 2006. Since the electors of Pine Tree Water Control District are the landowners, it is not convenient or effective to schedule this election in conjunction with a general election where the electors are registered voters living within the Pine Tree Water Control District. The choice of having landowners versus registered voters participate in this referendum was the choice of the Governor's Office and the Legislature when they enacted the Bill. No one from Pine Tree or the Village was contacted to discuss the reality of the situation, that is, that the largest landowner in the Pine Tree Water Control District is the South Florida Water Management District. Nonetheless, the question must be presented to the electors/landowners.

The questions for the Board to decide are:

1. The date of the referendum election;
2. Whether to allow proxies. As the Board of Supervisors is aware, the use of proxies is common in landowner controlled districts such as Pine Tree Water Control District. This is because at landowners' meetings, very often nominations for elections are made from the floor and motions concerning other business matters can be brought up without advance notice, to be voted on from the floor. Therefore, it makes sense that if one cannot attend, they give their proxy to someone else.

In a general election or a referendum election that is limited to one issue, the rationale for the use of proxies is somewhat diminished since the landowners will know well in advance of the election what the issue is and there are not going to be any surprise motions made which need to be voted on. Also, with respect to the Supervisor of Elections conducting the election, it may be easier not to get involved with the use of proxies.

3. Whether or not the Board would want to allow absentee ballots. Once again, at landowners' meetings ballots are generally not used for the same reasons that proxies are, and that is, the candidates and issues can change right up until the vote is taken. With a referendum, since you have a static question to decide, the use of absentee ballots may make sense and accomplish what would have been accomplished through the use of proxies.
4. What notices of the referendum will the Board provide? Pursuant to State Law the only required notice is to have the referendum noticed by publication in the newspaper of general circulation within the District at least 30 days prior to referendum and the publication is to be made at least twice, once in the fifth week and once in the third week prior to the week in which the election and referendum are to be held. The Board needs to consider whether additional notice, potentially including direct mailing to all landowners, should be undertaken.
5. The Board also needs to decide whether or not they want to participate in any educational campaign in regards to the referendum. At a meeting with the President of the Board of Supervisors, Ms. Wallace indicated that it may be advisable to conduct a District meeting inviting the landowners to participate and ask questions as to what the advantages and disadvantages of going to dependent district status would be.

Should any of the Supervisors have any question about this matter, please do not hesitate to contact me.

JSK/mh

Enclosures

**LETTER TO LANDOWNERS REGARDING UPCOMING REFERENDUM
ON THE PINE TREE WATER CONTROL DISTRICT BECOMING A
DEPENDENT DISTRICT OF THE VILLAGE OF WELLINGTON**

June 16, 2006

Dear Landowner:

Since the annexation of the land comprising the Pine Tree Water Control District into the Village of Wellington, the District's Board of Supervisors and Village of Wellington Council have been moving forward to change the District from an independent to a dependent district.

At first, the Board and the Council entered into an interlocal agreement whereby the Village Manager and other key administrative personnel assumed the duties and responsibilities of District Administrator, District Engineer, District Treasurer, District Secretary, and Attorney for the District. This enabled the Village staff to work as the District staff in order to accomplish the goals and objectives of the Board of Supervisors. Next, the Board and Council petitioned local legislators to support a local bill, which was passed by the full Legislature authorizing the Pine Tree Water Control District to become a dependent district of the Village of Wellington. A copy of the law is attached for your reference.

From a functional standpoint, the primary difference between an independent district and a dependent district is that in a dependent district the Village Council would act as the Board of Supervisors. This allows for certain efficiencies of operation because the Village Council meets with staff on a more regular basis than the Board of Supervisors would, thus allowing for more frequent monitoring and ability for citizens to have input. It also reduces the likelihood that conflicting direction would be given by the entities. The Village of Wellington has already experienced ten years of success with this type of system as the Acme Improvement District has operated in this manner since incorporation of the Village.

The local law affecting the transfer made the conversion from an independent district to a dependent district contingent upon approval of the electors of the District. To that end and in accordance with the terms of the Act, the Pine Tree Water Control Board of Supervisors has called for a referendum election to take place on Thursday, July 18, 2006 from 3:00 p.m. to 7:30 p.m. The voting shall take place at the Village of Wellington Meeting Hall located at 14000 Greenbriar Boulevard, Wellington, Florida. Should you need directions, please contact the Village Clerk/District Secretary's office at 561-791-4000.

The election will be conducted by the Palm Beach County Supervisor of Elections.

The electors of the Pine Tree Water Control District are the owners of land lying within the District. Each landowner shall be entitled to one (1) share for every acre of land they own. All lands of an individual owner shall be aggregated together to determine the total number of shares that a landowner may vote. When all landowners' acreage has been aggregated, the landowner shall be entitled to an additional vote for any fraction of an acre greater than a half. In other words, the total number of acres will be rounded to the nearest whole number in determining the total number of shares. A landowner may not split their shares; the whole of their vote will be counted either in favor or against the question.

The question is as follows:

SHALL THE PINE TREE WATER CONTROL DISTRICT BECOME A DEPENDENT DISTRICT OF THE VILLAGE OF WELLINGTON AND VILLAGE OF WELLINGTON COUNCIL MEMBERS ASSUME THE DUTIES AND RESPONSIBILITIES OF THE BOARD OF SUPERVISORS OF THE DISTRICT?

YES

NO

In order to vote, you must appear in person at the time and place designated for the election or request an absentee ballot from the Supervisor of Elections.

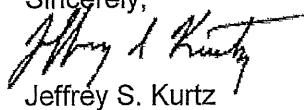
In determining whether you are the landowner, the Supervisor of Elections will rely on the tax roll as prepared by the Property Appraiser's Office. If the property has been transferred, it will be necessary for you to provide a copy of the deed and/or an opinion of title demonstrating that you are the property owner. In the case of situations where the owner of the property is a corporation, partnership or other entity, the designated voter shall provide the Supervisor of Elections with a resolution passed by the governing body of the entity designating the individual who is authorized to vote on behalf of the entity. Likewise, in the case of joint ownership of properties by individuals, they may, by affidavit executed by all owners, designate one of the joint owners to be the designated voter. In the absence of such designation, the first individual to appear and register before the Supervisor of Elections will be the person entitled to cast a ballot.

In order to vote, it will be necessary for you to bring an official governmental photo identification, identifying you as the owner/designated voter.

In order for your vote to be counted, all District assessments from the previous year must have been paid.

Should you have any questions concerning this matter, please contact Awilda Rodriguez, District Secretary, at 14000 Greenbriar Boulevard, Wellington, Florida, 561-791-4000.

Sincerely,



Jeffrey S. Kurtz

JSK/mh
Attachments



Palm Beach County

DR. ARTHUR ANDERSON
Supervisor of Elections

240 SOUTH MILITARY TRAIL
WEST PALM BEACH, FL 33416
POST OFFICE BOX 82308
WEST PALM BEACH, FL 33418
TELEPHONE: (561) 656-6200
FAX NUMBER: (561) 656-6287
WEBSITE: www.pboelections.org

CERTIFICATION

I, Dr. Arthur Anderson, as Supervisor of Elections for Palm Beach County, do hereby certify that the following record of the votes cast in the **PINE TREE WATER CONTROL DISTRICT ELECTION** held on July 18, 2006 is correct according to records on file in the Supervisor of Elections Office:

<u>REFERENDUM QUESTION</u>	<u>ACREAGE VOTED</u>
Yes	25
No	185
Improperly Executed *	0
No Votes	0
Over Votes	0
Write-Ins / Total	0

* Denotes Improperly Executed Ballots may include No Signature on ballot or Unauthorized Signature - Not Land Owner.

WITNESS my hand and seal, this 19th day of July A.D., 2006.

DR. ARTHUR ANDERSON
SUPERVISOR OF ELECTIONS
PALM BEACH COUNTY, FLORIDA

JUL-19-2006 13:06

SUPERVISOR OF ELECTIONS

561 656 6220 P.03/83

DATE	BALLOTS RECEIVED	YES	NO	OVERVOTES	UNDERVOTES	IMPROPERLY EXECUTED
7/14/2006 - Absentee	1	5	0	0	0	0
8/15/2005 - Election Day	14	20	185	0	0	0
TOTAL:	15	25	185	0	0	0

TOTAL P.03