

SAN CARLOS ESTATES WATER CONTROL DISTRICT
POLICY ON ELECTION OF SUPERVISORS AT ANNUAL LANDOWNERS MEETING

Recitals

WHEREAS, San Carlos Estates Water Control District (“District”) is an independent special water control district that was judicially created in 1969, by the District’s enabling judicial decree entered by the Circuit Court of the Twelfth Judicial Circuit, in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969; and

WHEREAS, the District is a water control district that is primarily governed by Chapter 298 of the Florida Statutes with regard to the election of the members of the Board of Supervisors of the District; and

WHEREAS, Section 298.11(2), Florida Statutes, provides that the qualified landowners of the District are authorized to elect one (1) member of the Board of Supervisors on an annual basis at the annual landowners meeting of the District; and

WHEREAS, the Board of Supervisors, through its authority to adopt policies of the District, has the authority to describe the process of the election of a Supervisor by the landowners at the annual landowners meeting; and

WHEREAS, the Lee County Property Appraiser’s office maintains extensive standardized data on all parcels of land in Lee County that includes: Parcel Identification Numbers (STRAP Numbers), owner’s information, parcel sizes, etc.; and

WHEREAS, many other government agencies in Lee County rely upon the accuracy of the Lee County Property Appraiser’s land parcel information for purposes of determining land ownership and particulars about land parcels including acreage calculations; and

WHEREAS, if the District uses the Lee County Property Appraiser’s data on the land parcels in the District, it will provide the District with accurate and up-to-date information on the ownership and acreage of parcels in the District that is generated by a disinterested third party government agency that is not subject to claims of being biased or arbitrary; and

WHEREAS, if the District uses the Lee County Property Appraiser’s land parcel designations and data on land parcel ownership and acreage calculations, it will provide the District with standardized information that will minimize the risk of mistakes being made by the District’s staff in determining land parcel ownership information and the total acreage of each land parcel in the District which will be used as the basis for the number of votes a landowner can cast in an election of a Supervisor.

NOW THEREFORE, be it resolved by the Board of Supervisors of the San Carlos Estates Water Control District that:

SECTION ONE - INCORPORATION OF RECITALS

The recitals set forth above are true and correct and form a part of this policy.

SECTION TWO - AUTHORITY

This policy is adopted pursuant to the provisions of Florida law, especially Chapter 298 and Section 298.22(8), Florida Statutes, and other applicable provisions of law.

**SECTION THREE – VOTING PROCEDURE AT THE DISTRICT’S ANNUAL
LANDOWNERS MEETING**

The Board of Supervisors of the District hereby adopts the following procedure to be used for the election of a Supervisor at an annual landowners meeting of the District:

1. Disclosure of Landowners Interested in Being Elected as a Supervisor. The Chair will disclose the names of the qualified District landowners who have indicated an interest in being elected as a Supervisor.

2. Accept Nominations. The Chair will open the floor of the annual landowners meeting to accept nominations for the election of a Supervisor from the qualified landowners. Any qualified landowner at the annual landowners meeting can make a nomination of any other qualified landowner including themselves.

a. Owners whose District assessments have not been paid are not “qualified” landowners and are not entitled to participate in the Supervisor election process; therefore, they cannot make a nomination or be nominated.

3. Close Nominations. When no further nominations are being presented by the landowners, a motion by a landowner must be made to close the nominations and upon the motion to close the nominations receiving a second and a vote of approval of the majority of the qualified landowners present at the meeting, nominations shall be closed.

4. Nominee Statement. Each qualified landowner who has been nominated will be offered an opportunity by the Chair to make a brief statement to the landowners of their qualifications to serve as a Supervisor of the District.

5. Public Input. After the nominees are given an opportunity to make a brief statement to the landowners, the Chair will call for public input about the qualifications of the nominees.

6. Poll Watcher Selection. After the Chair closes the public input portion of the meeting, the Chair will give each qualified nominee an opportunity to select a qualified landowner of their choosing to participate in the election process on their behalf who will be described as a “poll watcher”. The poll watchers of the qualified nominees are authorized to participate in the election process of the Supervisor including the process of counting the properly cast ballots in the election of the Supervisor and including the ability to inspect all of the elements of the election process.

7. Voter Registration. The District Secretary and the District Manager will initiate the process of registering qualified landowners to vote who are attending the meeting in person or by proxy (picture identification will be required) at which time a separate written ballot will be issued for the combination (aggregate) acreage of all parcels of land under a “unique ownership” in the District. “Unique ownership” is defined as the exact same ownership.

- a. For purposes of completing and issuing written ballots, the District Secretary will acquire data from the Lee County Property Appraiser’s office within forty-five (45) days prior to an annual landowners meeting which describes the required information for the District staff to combine (aggregate) all acreage of all parcels of land in the District under “unique ownership” and for the District staff to prepare written ballots for the District Landowners.
- b. Each written ballot shall include, at a minimum:
 - i. The separate Parcel Identification Number and/or Numbers (STRAP Number(s)) for each “unique ownership” of land;
 - ii. The owner’s name(s) for the “unique ownership” of land;
 - iii. The total acreage for all of the acreage of all parcels of land under the “unique ownership” of land;
 - iv. The total number of votes that will be cast on the written ballot for the combination (aggregate) of all acreage of all parcels of land under the “unique ownership” of land.
- c. A District landowner will be entitled to cast one (1) vote for each acre of land and one (1) additional vote for any fraction of an acre of land greater than one-half (1/2) of an acre for all of the acreage of land under the “unique ownership” represented on the written ballot.
- d. Landowners whose District assessments have not been paid are not entitled to vote and will not be registered to vote or issued a ballot.
- e. Even if there are multiple landowners of land under “unique ownership” in the District, only one (1) ballot will be issued for the said land and only one (1) of the landowners can cast (complete and sign) the written ballot. Multiple ballots will not be issued for the same “unique ownership” of land in the District.
- f. If land is owned by an entity (such as a corporation, a trust or a limited liability company) or if the individual owner is not physically present at the annual landowners meeting, the person registering to vote for the

entity owner or absent owner must provide written proof of their authority to vote on behalf of the owner (such as a voting proxy, or a power of attorney, or a current entity certificate of good standing, or a trust agreement).

8. Ballots Cast. Once the registration process is completed to the satisfaction of the District Secretary, the District Manager, and the poll watchers, the qualified landowners can complete their written ballots. Once a qualified landowner completes the written ballot(s) that they are voting, the completed ballot(s) and associated proof of ownership authority, including proxy(ies), if any, shall be turned in together to the District Secretary and the poll watchers.

- a. The District Secretary shall keep a current list (in the form of a spreadsheet) of all landowners who are qualified to cast a ballot and the District Secretary shall mark and record the casting of all ballots of all landowners who are entitled to vote.
- b. The above referenced list/spreadsheet of the District landowners will also contain a place/column on the list where the District Secretary will indicate whether each landowner's District assessments have or have not been paid. If a landowner has not paid their District assessments, the District Secretary will state on the above referenced list/spreadsheet that the total number of votes cast on the ballot is zero "0" for the subject land.

9. Counting Votes. Once the District Secretary and the poll watchers have received and registered all of the ballots and accompanying proxies from the qualified District landowners, the District Secretary and the poll watchers will count and register the votes cast by the qualified District landowners.

- a. Landowners whose District assessments have not been paid are not entitled to vote or cast a ballot or vote in the election of a Supervisor.
- b. As described in Section 7 above, landowners are entitled to cast one (1) vote for each acre of land under "unique ownership." Landowners shall also be entitled to cast one (1) additional vote for any remaining fraction of an acre greater than one-half (1/2) of an acre of land under "unique ownership."

10. Declare Election Outcome. Once the District Secretary and the poll watchers count and register all of the qualified ballots and votes that are cast at the annual landowners meeting to the satisfaction of the District's Secretary and the poll watchers, the outcome of the election will be stated publicly at the annual landowners meeting and the poll watchers will publicly state their agreement or their objection to the published election results.

11. Public Input. After the election outcome is declared, the Chair will ask the landowners if they have any comments about the outcome of the election of a Supervisor.

12. Closing the Election. As a final step in the election process, the Chair will state the official election results for the meeting record and the Chair will then declare the election process to be concluded and closed.

13. Oath of Office of New Supervisor. Once a qualified landowner is elected as a Supervisor, the landowner will take their oath of office as a Supervisor as currently described by Section 298.13, Florida Statutes.