

## RESOLUTION 2026-01

### A RESOLUTION CALLING AND FIXING AN ELECTION FOR ONE (1) MEMBER OF THE BOARD OF SUPERVISORS OF THE HERONS GLEN RECREATION DISTRICT ON MARCH 24, 2026; DESIGNATING HOURS AND PLACE OF VOTING; PROVIDING FOR QUALIFICATIONS; AND OTHERWISE PROVIDING FOR THE HOLDING OF SAID ELECTION.

Now, therefore, be it RESOLVED by the Board of Supervisors of the Herons Glen Recreation District that:

1. The Herons Glen Recreation District shall hold an election on **March 24, 2026** to elect one (1) member of the Board of Supervisors, for a term of three (3) years, such term to begin April 1, 2026. The one (1) candidate receiving the highest vote total shall be elected.
2. Qualifying shall commence on **February 2, 2026** and conclude at 5:00 p.m. on **February 13, 2026**.
3. Qualification of candidates to run for the position shall be performed by Counsel for the District, Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, by the receipt of the following information in writing is required:
  - a) A statement of the Candidate's Name, as it is to appear on the ballot;
  - b) A statement of the Candidate's Herons Glen Residence address;
  - c) A statement that the Candidate has filed his or her "Candidates Statement of Financial Interests" (Form 1) with the Florida Commission on Ethics. The Commission telephone number is (850) 488-7864. Assistance is available Monday-Friday (8-5). The website is: <https://disclosure.floridaethics.gov/Account/Login>.
  - d) The Candidate's sworn oath as prescribed by Section 99.021, Florida Statutes, and including the District's Charter requirements as described in Exhibit "C"; and if desired,
  - e) Also, if desired, the Candidate's may provide a one-page info sheet for distribution to public by the District. To be included the page must be provided with the qualification papers prior to the conclusion of the qualifying period.

4. The place and time of voting in said election is: The Herons Glen Country Club, Administration Office, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida, between the hours of 11:00 a.m. and 4:00 o'clock p.m. on March 24, 2026.

5. Qualified voters are the property owners in the District as shown by the records of the Lee County Property Appraiser, unless otherwise shown by proof acceptable to the Board, or its Election Committee.

6. Legal Counsel for the District is authorized and directed to serve as elections qualifying officer, publish Notice of said election in the form attached hereto as Exhibit "A" and assist the District in carrying out the election.

7. The District's Election Committee, to be named by the Board of Supervisors prior to the Election, and with the assistance of the District's Legal Counsel, is authorized to conduct said election in accord with the Election Procedures set forth in the attached Exhibit "B."

**PASSED AND ADOPTED** at a meeting of the Board of Supervisor of the Herons Glen Recreation District this day \_\_\_ day of January 2026.

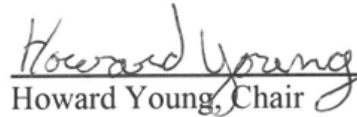
[SEAL]

ATTEST:



District Secretary

**HERONS GLEN RECREATION DISTRICT**

  
Howard Young, Chair

**EXHIBIT “A”**

**NOTICE OF ELECTION  
AND  
CANDIDATE QUALIFYING**

The Herons Glen Recreation District will hold the election of **one (1) member** of its Board of Supervisors on **March 24, 2026**, at the Herons Glen Country Club, Administration Office, 2250 Herons Glen Boulevard, North Fort Myers, Lee County, Florida between the hours of 11:00 a.m. and 4:00 p.m., for a **term of three (3) years commencing April 1, 2026**. The election is non-partisan.

Candidate **qualifying papers** will be accepted beginning Monday, **February 2, 2026** and **must be received by 5:00 p.m., Friday, February 13, 2026**.

Persons wishing to qualify as a candidate for the Board of Supervisors must provide all of the following:

- a) A statement of the Candidate’s Name, as it is to appear on the ballot;
- b) A statement of the Candidate’s Herons Glen Residence address;
- c) A statement that the Candidate has filed his or her “Candidates Statement of Financial Interests” (Form 1) with the Florida Commission on Ethics. The Commission telephone number is (850) 488-7864. Assistance is available Monday-Friday (8-5). The website is:  
<https://disclosure.floridaethics.gov/Account/Login>.
- d) The Candidate’s sworn oath as prescribed by Section 99.021, Florida Statutes, and including the District’s Charter requirements as described in Exhibit “C”.
- e) Also, if desired, the Candidate’s may provide a one-page info sheet for distribution to public by the District. To be included the page must be provided with the qualification papers prior to the conclusion of the qualifying period.

All above items must be accomplished and forms delivered to Thomas B. Hart at Knott Ebelini Hart, 1625 Hendry Street, Suite 301, Fort Myers, Florida 33901, **prior to 5:00 p.m. on February 13, 2026**. The candidate’s oath may be obtained from the District’s Administrative Office.

## EXHIBIT “B”

### ELECTION PROCEDURES FOR HERONS GLEN RECREATION DISTRICT ELECTION ON MARCH 24, 2026

The Election for one Supervisor will be held on March 24, 2026. The term of Supervisor Karen Mars will expire on March 31, 2026.

Notice of Qualifying will be published one time on or before, the first day of Candidate Qualifying. The Notice of Qualifying will also advise that nominations for any open position of Supervisor must be provided to Thomas B. Hart at Knott Ebelini Hart in writing by the close of the qualifying period.

Notice of the Election will be posted on the District's bulletin board and published during both the 5<sup>th</sup> and 3<sup>rd</sup> weeks prior to the election in the legal section of the Cape Coral Breeze. This Notice of Election may remove the Candidate Qualifying information is published after the Qualifying period has concluded.

After the close of nominations/qualifying for candidates, the Election Committee will prepare a ballot listing, alphabetically, the names of all persons who have qualified. **Ballot Instructions** will say to **vote for no more than one (1)**. The **one candidate with the highest vote total will be elected** for a term of three years beginning **April 1, 2026**.

One ballot will be mailed to each residential property owner within the Herons Glen Recreation District boundaries as determined from the records of the Lee County Property Appraiser. The voting instructions will tell each recipient that an election will be held in the Clubhouse of the Herons Glen Country Club for the election of **one member** to the District Board of Supervisors between the hours of 11:00 a.m. and 4:00 P.M. on **March 24, 2026**, and that they may attend and vote in person, or may vote by the absentee method outlined in the voting instructions.

The instructions will direct each voter who wishes to vote absentee to insert his or her marked ballot into an envelope (enclosed with the initial mailing) labeled "BALLOT." The "BALLOT" envelope is then to be placed into a second envelope (“Mailing Envelope”) addressed on the front to Herons Glen Recreation District, 2250 Herons Glen Boulevard, Suite 100, North Fort Myers, Florida 33917, and mailed in time to be received prior to the close of the election. Instructions to each voter will inform of the District’s rule that only those ballots with the Voter Certificate signed by the voter and received by 4:00 p.m. on the day of the election will be counted.

The Mailing Envelope will contain on the back a line for the voter’s signature swearing to the following certification:

Under penalty for false swearing, pursuant to Florida Statutes, I do solemnly swear or affirm: that I am a qualified voter in the Herons Glen Recreation District because I own property in the District; that I will not vote more than one ballot in this election; that I understand that a failure to sign this certificate will invalidate my BALLOT.

Directions for Voting on the back of Mailing Envelope will also state:

“NO BALLOT WILL BE COUNTED UNLESS VOTERS CERTIFICATE IS PROPERLY SIGNED AND COMPLETED.”

The voter's signature will not be required to be notarized, but the instructions will also contain the following notice:

Pursuant to Section 104.011, Florida Statutes, a person who willfully swears or affirms falsely to any oath or affirmation or willfully procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting or elections, commits a felony of the Third Degree punishable as provided in Florida Statutes.

Those persons voting in person will be required to use the same procedure. These procedures require all voters to sign the certification, but the procedures are intended to insure that there will be no way to link a voter's signature to his or her ballot.

Ballot counting will be conducted by the Election Committee appointed by the Board and in the presence of any members of the public wishing to observe. Any ballots received before 4:00 p.m. on Election Day will be opened and counted in public within the Clubhouse. The Mailing Envelopes will be separated and names checked for duplications; then put aside. Opening of Mailing Envelopes, but not Ballot Envelopes, by the Elections Committee may begin at 9:00 A.M. on the day of the election. The Committee will open the Mailing Envelopes, take out Ballot envelopes and mix the unopened ballot envelopes together. At 4:00 P.M. on the day of the election, the Committee will open the Ballot Envelopes and count the ballots.

The Election Committee may publicly report the initial result of the election immediately after counting all valid ballots. The official report of election results by the Committee will then be presented to the Board of Supervisors at its next Board meeting and shall be made a part of the Minutes of that meeting. The winner(s) will then be announced.

The voted ballots and Mailing Envelopes will be made available for inspection by the public after the ballots have been counted and the election results reported to the Board. Such inspection(s) may be done by appointment with the General Manager, but neither ballots nor Mailing Envelopes will be allowed to be handled by anyone other than the Election Committee.

Counsel for the District will serve as qualifying officer for candidates. **Qualifying** by any person for the position of Supervisor will be accepted at the Counsel's office, in writing, **beginning on February 2, 2026 and ending at 5:00 p.m. on February 13, 2026**. Counsel will inspect the statement of qualification of all nominees and inquire of all nominees, if unclear, whether they are qualified, i.e. are 18 years old, a resident of Florida, own property in the District, reside there at least 90 days out of the year, have signed a notarized candidate's oath (Exhibit "C"), and whether they wish to have their name placed on the ballot.

The District will include with the mailed ballots, if provided by or for the candidate before the end of the qualifying period, one 8 ½ in. by 11 inch page, but not more, of candidate biographical and/or qualifications information.

The records of the Lee County Property Appraiser will be the official records of eligible voters within the District unless an owner provides alternate proof of ownership, acceptable to the Elections Committee and District Board. The Election Committee may order the Property Appraiser's list of owners in Herons Glen, i.e. eligible voters, at its discretion but not earlier than eight (8) weeks prior to the election.

The District may include a "Meet the Candidates" notice in the envelope containing the ballot, return envelopes and candidate biographical information, if sufficient information and time is available to Counsel before the projected mailing date the Ballots.

Over the years, a number of questions have come up regarding what it means to be a property "owner" in Herons Glen and therefore be entitled to vote in elections. The following are the guidelines we have followed to date. The Board, however, is the final decision maker whenever there are disputes as to such matters.

1. If a property within the District is owned by a single individual, that individual is entitled to a vote in the election.
2. If a single parcel in the District is owned by 2 or more individuals, the law considers them each to be the owner of a partial interest in the property. For that reason each of them should be considered an owner and, therefore, each of them is entitled to a vote in the election.
3. If a single parcel in the District is owned by a single trustee, e.g. "John Doe, Trustee," the trustee, John Doe, is the legal owner of the property and would be entitled to a vote in the election. It is true, however, that the trustee holds title to the property for the benefit of another party. That other party is said to be a beneficial owner of the parcel. In other words, both the trustee and the beneficial owner could be considered owners of property in the District, however, their

ownership interest is not a partial interest but is exactly the same. Therefore, one or the other could vote in the election, but not both.

We have seen evidence in the county public records that certain parcels are owned by “John Doe and Mary Doe, Trustees.” In those cases, it is my opinion that both John Doe and Mary Doe should be permitted to vote because it appears likely that each of them owns, as trustee, an undivided beneficial interest in the property and thus each of them is an owner in the District.

However, in another case, which we have seen, the property is owned by John Doe, Trustee and Mary Doe, Co-Trustee, for the “Doe Family Trust.” Given that the Doe Family Trust might include dozens of beneficiaries, this situation will be handled by the same process that is used for corporations and other legal entities owning property in the District. In those cases, as described below, the Board will accept only one vote for the parcel. It is the trust, a single “person,” that owns the property and the Trust gets one vote, to be voted by one of the Trustees.

However, if the property owner can prove to the Elections Committee, the person(s) who in fact, own the property and so long as that owner, or those owners if more than one, are also Trustees and each signs the voter’s certificate under oath saying that they are the owners, then their votes will be accepted as valid.

4. In some cases, a parcel may be owned by a corporation or partnership. In those cases the Board will accept a vote by one individual with the legal right to represent the entity. In other words, the president or vice president of the corporation may vote on behalf of the corporation or an individual partner may vote on behalf of the partnership. In these cases, it is the entity which is the owner and only one vote may be cast on behalf of that entity.

5. In some cases, an individual or entity owns more than one parcel in the District. This is the issue raised in particular by Developers, because they own a number of individual lots in the District. The individual or corporation in these cases is one owner of property in the District and is, therefore, entitled to only one vote in the election.

That is also the case where one person owns two lots. The District charter states in Section IV: “Each property owner and resident in the District shall have the right to vote in the election.” It has been argued that this language was intended to give such owners one vote per parcel owned. That, however, is not what the document literally says.

**Exhibit “C”**

**CANDIDATE OATH**

STATE OF FLORIDA        )  
COUNTY OF LEE         )

Before me, an officer authorized to administer oaths, personally appeared the undersigned, to me well known, who, being sworn, says:

- I am a candidate for the office of Supervisor of Herons Glen Recreation District;
- I am a qualified elector of (i.e. registered to vote in) \_\_\_\_\_ County, Florida;
- I am qualified under the Constitution and the laws of Florida to hold the office to which I am seeking to be elected;
- I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office I seek;
- I have resigned from any office from which I am required to resign pursuant to § 99.012, Florida Statutes;
- I will support the Constitution of the United States and the Constitution of the State of Florida.
- I am over the age of 18;
- I am an owner of property in the Herons Glen Recreation District;
- I reside in the District for at least 90 days each year;
- My name, as it is to appear on the ballot, is: \_\_\_\_\_

\_\_\_\_\_  
Signature of candidate

\_\_\_\_\_  
Residence address of candidate

\_\_\_\_\_  
City, State, Zip Code

SWORN TO AND SUBSCRIBED before me this \_\_\_\_ day of \_\_\_\_\_, 2026, at Lee County, Florida, appeared \_\_\_\_\_ who  is known to me or who  has produced \_\_\_\_\_, as identification.

\_\_\_\_\_  
Signature of Notary Public – State of Florida

\_\_\_\_\_  
Printed Name of Notary Public

My Commission Expires: