

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA DIRECTING THAT A REFERENDUM BALLOT TO DECIDE WHETHER OR NOT THE ST. JOHNS COUNTY SCHOOL BOARD SHOULD APPOINT THE SUPERINTENDENT OF SCHOOLS BE MADE PART OF THE BALLOT TO BE VOTED UPON BY ST. JOHNS COUNTY ELECTORS IN THE NOVEMBER 1990 GENERAL ELECTION.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida has been requested by the School Board of St. Johns County, Florida to cause a ballot to be placed on the November 1990 General Election ballot whereby the electors of St. Johns County may vote on whether or not the St. Johns County School Board should appoint the Superintendent of Schools; and

WHEREAS, the Board of County Commissioners of St. Johns County, Florida finds and determines that the above issue is of substantial concern within the County and that placement of the question upon the November 1990 General Election ballot is in the best interests of the citizens of St. Johns County

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

SECTION 1. A referendum is hereby called and ordered to be held in St. Johns County, Florida (the "County"), on the date of the November 1990 General Election; to wit: the 6th day of November, 1990, to determine whether or not the electors of St. Johns County, Florida desire that the St. Johns County School Board appoint the Superintendent of Schools.

SECTION 2. All qualified electors residing in the County shall be entitled and permitted to vote in the above described referendum. The places for voting in the referendum shall be the same as the places for voting in general elections held in the County, and shall be determined by the Supervisor of Elections of the County. The polls shall be open at such voting places from 7:00 A.M. to 7:00 P.M. on the date of the referendum.

SECTION 3. The Supervisor of Elections for St. Johns County shall prepare and give notice of the referendum by causing a copy of the form of notice attached hereto as Exhibit A together with this resolution to be published at least twice, once in the fifth (5th) week and once in the third (3rd) week prior to the week in which the referendum is to be held, in the St. Augustine Record, a newspaper of general circulation in the County, the first publication to be not less than thirty (30) days prior to the date of the referendum. The Supervisor of Elections shall secure from the publisher of said newspaper an appropriate affidavit of proof that such notice and this resolution have been duly published as herein provided, and said affidavit of proof shall be filed in the minutes of the Board of County Commissioners of the County.

SECTION 4. The vote at the referendum shall be by a voting device (the "Device"), as authorized and used pursuant to Chapters 100, 101 and 102, Florida Statutes, as amended, and in each polling place there shall be at least one Device. The Supervisor of Elections of the County shall cause to be prepared and furnished to the inspectors and clerks for the referendum such Devices in such numbers as shall be required to carry out the intent and purposes of this resolution, and shall cause to be prepared and approved for use in the Devices such ballots as shall be necessary to conduct the referendum. Ballots in the same general form as hereinafter provided shall be made available for absentee voting.

SECTION 5. The Ballot to be used at the referendum shall be substantially in the following form:

PROVIDING FOR THE OFFICE OF
SCHOOL SUPERINTENDENT TO BE
APPOINTIVE BY THE SCHOOL BOARD

Shall the Office of School Superintendent be appointive by the School Board to take effect upon the expiration of the term of the incumbent Superintendent elected to that office at the general election held November 8, 1988, or upon the office becoming vacant during such term?

YES _____ NO _____

SECTION 6. The votes cast for the referendum shall be counted, tabulated and canvassed by the officials responsible for the canvass of the November 6, 1990 general election and returned without delay to the Board of County Commissioners of St. Johns County and to the St. Johns County School Board in the manner prescribed by general law.

SECTION 7. 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, phrase, clause, sentence or paragraph hereof.

SECTION 8. All resolutions in conflict or inconsistent herewith are hereby repealed, to the extent of such conflict or inconsistency.

SECTION 9. The Clerk of Courts is requested and directed to immediately furnish a copy of this resolution to the St. Johns County Supervisor of Elections.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA this 11th day of September, 1990.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Craig A. Maguire
Its Chairman

ATTEST:

Robt. L. Marshall
Clerk

EXHIBIT A

NOTICE OF "APPOINTIVE" SCHOOL SUPERINTENDENT
REFERENDUM TO BE HELD IN
ST. JOHNS COUNTY, FLORIDA
ON NOVEMBER 6, 1990

NOTICE IS HEREBY GIVEN THAT A REFERENDUM PERTAINING TO THE "APPOINTMENT" OF THE SCHOOL SUPERINTENDENT OF ST. JOHNS COUNTY will be held on the 6th day of November, 1990, in St. Johns County, Florida, whereby the electors of St. Johns County may vote on whether or not the St. Johns County School Board should appoint the Superintendent of Schools.

The places for voting in the referendum shall be the same as the places for voting in general elections held in St. Johns County, and the polls will be open at the voting places on the date of said referendum from 7:00 A.M. until 7:00 P.M.

All qualified electors residing within St. Johns County shall be entitled, qualified and permitted to vote at such referendum.

SUPERVISOR OF ELECTIONS

BY: _____

BENNETT AND BEDSOLE

SUITE B

1750 HIGHWAY A1A SOUTH

ST. AUGUSTINE, FLORIDA 32084

CHARLES R. BENNETT
JAMES E. BEDSOLE

AREA CODE 904 471-1611
471-1608

August 28, 1990

Board of County Commissioners
St. Johns County
St. Augustine, Florida 32084

Gentlemen:

The School Board of St. Johns County at a regular meeting of the School Board held on November 14, 1989, passed a resolution to have placed on the official ballot a referendum providing for the office of Superintendent to be appointive by the School Board of St. Johns County.

It is requested that the Board of County Commissioners will cause to be placed on the ballot for the general election to be held November 6, 1990, the form as shown in Section 3 of the enclosed copy of the School Board's resolution.

Thank you for your consideration of this matter.

Sincerely yours,



CHARLES R. BENNETT
Attorney for St. Johns County
School Board

CRB:sjj

Encl.

cc: Mr. Otis A. Mason
Superintendent, School Board

Mr. Thomas L. Allen
Chairman, School Board

A RESOLUTION AUTHORIZING THE SCHOOL BOARD OF ST. JOHNS COUNTY, UPON APPROVAL OF THE QUALIFIED ELECTORS TO APPOINT THE SUPERINTENDENT OF SCHOOLS AND EFFECTIVE DATE

BE IT RESOLVED BY THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Authority of This Resolution. This resolution is adopted pursuant to the provisions of Section 5, Article 9, Florida Constitution and Florida Statute Section 230.241.

Section 2. Referendum. A referendum of the qualified electors of St. Johns County is hereby called to be held at the general election on November 6, 1990, to submit to the electors the proposition that the office of School Superintendent be appointive by the School Board, and if approved, to become effective upon the expiration of the term of the incumbent Superintendent elected at the general election held November 8th, 1988, or upon the office becoming vacant for any reason during his term.

Section 3. Official Ballot. The Board of County Commissioners of St. Johns County, Florida, are requested that such referendum be placed on the Official Ballot in substantially the following form:

Referendum

PROVIDING FOR THE OFFICE OF SCHOOL SUPERINTENDENT TO BE APPOINTIVE BY THE SCHOOL BOARD

Shall the Office of School Superintendent be appointive by the School Board to take effect upon the expiration of the term of the incumbent Superintendent elected to that office at the general election held November 8th, 1988, or upon the office becoming vacant during such term?

_____ Yes

_____ No

ADOPTED at the regular meeting of the School Board held on November 14, 1989.

ATTEST:

/s/ Otis A. Mason

Otis A. Mason, Secretary

THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA

By: /s/ D. P. Weingartner

D. P. Weingartner, Chairman