

RESOLUTION NO. 2015 - 204

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, REQUESTING THAT THE SUPERVISOR OF ELECTIONS PLACE ON A NOVEMBER 3, 2015 REFERENDUM ELECTION BALLOT THE ST. JOHNS COUNTY SCHOOL BOARD'S REFERENDUM STATEMENT CONCERNING WHETHER THE ST. JOHNS COUNTY SCHOOL BOARD SHOULD BE AUTHORIZED TO LEVY A ONE-HALF CENT SCHOOL CAPITAL OUTLAY SALES SURTAX FOR A PERIOD OF 10 YEARS BEGINNING ON JANUARY 1, 2016 AND TERMINATING ON DECEMBER 31, 2025 AS AUTHORIZED IN SECTION 212.055(6) OF THE FLORIDA STATUTES.**

**WHEREAS**, section 212.055(6) of the Florida Statutes provides that the school board in each county is authorized to levy, pursuant to resolution conditioned to take effect only upon approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate that may not exceed 0.5 percent (one-half cent); and

**WHEREAS**, section 212.055(6) further provides that the school board's referendum statement shall conform to applicable statutory requirements, and that the statement shall be placed on the ballot by the governing body of the county; and

**WHEREAS**, in accordance with section 212.055(6), the St. Johns County School Board (School Board) adopted its Resolution 2015-30 on June 30, 2015 (attached hereto as Exhibit A and incorporated herein), calling for a referendum election to consider the levy of a one-half cent sales surtax beginning on January 1, 2016 and terminating on December 31, 2025, in order to fund new school facilities, school safety and security and technological upgrades; and

**WHEREAS**, in a letter dated July 2, 2015, and addressed to the Chair of the St. Johns County Board of Commissioners (Board) (a copy of which is attached hereto as Exhibit B and incorporated herein), the School Board presented its Resolution 2015-30 and formally requested that the Board place the referendum statement as provided in Resolution 2015-30 on a November 3, 2015 referendum election ballot.

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

Section 1. The above recitals are incorporated by reference into the body of this Resolution and such recitals are adopted as legislative findings of fact.

Section 2. In accordance with section 212.055(6)(b) of the Florida Statutes, the Board, as the governing body of St. Johns County, Florida, hereby requests that the St. Johns County Supervisor of Elections place on a November 3, 2015 referendum election ballot the School Board's referendum statement as provided in its Resolution 2015-30.

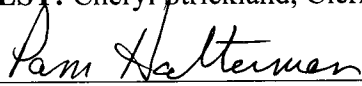
Section 3. The Clerk is directed to provide a certified copy of this Resolution to the St. Johns County Supervisor of elections.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 21<sup>st</sup> day of July, 2015.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By:   
Priscilla L. Bennett, Chair

**ATTEST:** Cheryl Strickland, Clerk

By:   
Deputy Clerk

RENDITION DATE 7/23/15



# EXHIBIT A

## RESOLUTION 2015-30

A RESOLUTION OF THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, CALLING FOR A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZE THE SCHOOL BOARD TO LEVY A ONE-HALF CENT SCHOOL CAPITAL OUTLAY SURTAX ON SALES IN ST. JOHNS COUNTY, FLORIDA FOR NEW CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT OF SCHOOL FACILITIES, INCLUDING SAFETY AND SECURITY IMPROVEMENTS AND TECHNOLOGY UPGRADES; PROVIDING FOR NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR PLACES OF VOTING, INSPECTORS, AND CLERKS; PROVIDING FOR AN OFFICIAL BALLOT; PROVIDING FOR ABSENTEE VOTING; PROVIDING FOR EARLY VOTING; PROVIDING FOR PRINTING OF BALLOTS; PROVIDING FOR REFERENDUM ELECTION PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**BE IT RESOLVED** by the School Board of St. Johns County, Florida ("Board"), acting as the governing body of the School District of St. Johns County, Florida ("District"), as follows:

**SECTION 1 – AUTHORITY FOR RESOLUTION:** This resolution is adopted pursuant to Section 212.055(6), Florida Statutes, and other applicable provisions of law.

**SECTION 2 – FINDINGS:** The Board, as the governing board of the District, pursuant to Article IX, Section 4(b), Florida Constitution and Sections 1001.32(2) and 1001.40, Florida Statutes, hereby finds and determines the following:

- A. That the School District has grown by 10,473 students (44.6 %) over the last ten years. For the 2014-2015 School Year alone, the District grew by 4.4 %. The projections for the next ten years (2024-2025) include another 15,813 students (an additional increase of 46.6 %). Additional funding is needed to construct school facilities to accommodate the increase in student enrollment.
- B. That the Board has experienced substantial funding reductions in recent years related to capital expenditures and fixed capital costs associated with new construction, reconstruction and improvement of school facilities, including safety and security improvements and technology upgrades.
- C. That Section 212.055(6), Florida Statutes authorizes the levy of a one-half cent school capital outlay surtax for the purposes of funding new construction, reconstruction and improvement of school facilities, including safety and security improvements and technology upgrades, upon approval by a majority vote of the electors of St. Johns County. Proceeds will be used for capital improvements to school facilities, school security and technology needs.
- D. That the levy of a one-half cent school capital outlay sales surtax as authorized by Section 212.055(6), Florida Statutes, for a period of 10 years, commencing on January 1, 2016 and terminating on December 31, 2025 is necessary for the Board to provide sufficient funds to sustain its facilities and fund the new facilities needed to accommodate growing enrollment. The plan for the

use of the surtax proceeds is set forth in the Plan for Use of Sales Surtax Proceeds which is attached hereto and incorporated herein as Exhibit A.

- E. That the levy of a one-half cent school capital outlay sales surtax is subject to approval by the electors of the County at a referendum held as provided in Section 212.055(6), Florida Statutes, and if approved is hereby levied and shall be collected as authorized in the manner required by law.
- F. That a citizen advisory committee consisting of St. Johns County citizens shall be appointed by the School Board to monitor and advise the School Board and its staff on the expenditure of funds.

**SECTION 3 – PLAN FOR USE OF SALES SURTAX PROCEEDS:** The proceeds of the school capital outlay sales surtax, as authorized by Section 212.055(6), Florida Statutes, shall be used to provide new construction, reconstruction and improvement of school facilities, including safety and security improvements and technology upgrades. A plan for these capital expenditures is set forth in the Plan for Use of Sales Surtax Proceeds which is attached hereto and incorporated herein as Exhibit A.

**SECTION 4 – CONTINUING LEVY OF SCHOOL CAPITAL OUTLAY SALES SURTAX:** Subject to approval by the electors of the District at a referendum held as provided in Section 212.055(6), Florida Statutes, a one-half cent school capital outlay surtax shall be levied by the District and the same is hereby levied for the period commencing January 1, 2016, and ending December 31, 2025, and shall be collected as authorized in the manner required by law.

**SECTION 5 – REFERENDUM ELECTION ORDERED:** The Board of County Commissioners in and for St. Johns County, Florida is hereby requested to place the required referendum election on the ballot of the special election to be held on November 3, 2015.

**SECTION 6 – NOTICE OF REFERENDUM ELECTION:** Pursuant to Section 1002.42, Florida Statutes, the Superintendent is hereby authorized and directed to place a notice of the referendum election in a newspaper of general circulation published in the District. The publication shall be made at least 30 days prior to the referendum and shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the referendum is deemed to be held. The notice of referendum shall be in substantially the form provided in the attached Exhibit B. This Resolution shall be published as a part of such notice.

**SECTION 7 – PLACES OF VOTING, INSPECTORS AND CLERKS:** The St. Johns County polls will be open at the voting places on the date of the referendum election from 7:00 a.m. until 7:00 p.m. All qualified electors residing within the County shall be entitled and permitted to vote at the referendum election on the proposition provided in this Resolution. The places of voting and the inspectors and clerks of the referendum election shall be those designated by the Supervisor of Elections of St. Johns County in accordance with law.

**SECTION 8 – OFFICIAL BALLOT:** The ballots to be used in the referendum election shall contain a statement relating to the authority of the School Board of St. Johns County, Florida to levy of a one-half cent school capital outlay surtax for the period of January 1, 2016 to December 31, 2025 and shall be in substantially the following form:

OFFICIAL BALLOT

**ONE-HALF CENT SALES SURTAX FOR NEW SCHOOL FACILITIES  
AND SAFETY, SECURITY AND TECHNOLOGY UPGRADES**

Do you support the School Board levying a one-half cent (1/2¢) surtax on sales in St. Johns County, beginning January 1, 2016, for a period of ten years, to be used exclusively for new construction, reconstruction and improvement of school facilities, including safety and security improvements and technology upgrades? A list of critically-needed projects has been published and expenditures will be monitored by a citizen advisory committee.

\_\_\_\_\_ FOR THE ONE-HALF CENT (1/2 ¢) SALES TAX

\_\_\_\_\_ AGAINST THE ONE-HALF CENT (1/2 ¢) SALES TAX

**SECTION 9 – ABSENTEE VOTING:** Adequate provision shall be made for absentee voters. The form of ballots to be used in the referendum for absentee voters shall be the same as used in the polling places for the election.

**SECTION 10 – EARLY VOTING:** Adequate provision shall be made for early voting, to run continuously from Saturday, October 24, through Saturday, October 31, including Sunday, October 25. Early voting hours are 9:00 a.m. to 6:00 p.m. The form of ballots to be used in the referendum for early voting shall be the same as used in the polling places for the election. The Supervisor of Elections shall designate the early voting locations.

**SECTION 11 – PRINTING OF BALLOTS:** The Supervisor of Elections of St. Johns County is authorized and directed to have printed as needed ballots for absentee electors and early voters entitled to cast ballots in the referendum election; and to make appropriate arrangements for the conduct of the election at the polling places specified.

**SECTION 12 – REFERENDUM ELECTION PROCEDURE:** The Supervisor of Elections of St. Johns County shall hold, administer, and conduct the referendum election in the manner prescribed by law for holding elections in the County. Returns shall show the number of qualified electors who voted at the referendum election on the proposition and the number of votes cast respectively for and against approval of the proposition. The returns shall be canvassed in accordance with law.

**SECTION 13 – FINANCIAL RESPONSIBILITY:** The School Board shall be responsible for the cost of the special election. However, if there are initiatives of other governmental entities on the special election ballot, the School Board shall bear its proportionate share of the cost of the election.

**SECTION 14 – SEVERABILITY:** In the event that any word, phrase, clause, sentence, or paragraph of this Resolution shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence, or paragraph.

**SECTION 15 – REPEALING CLAUSE:** All Resolutions in conflict or inconsistent with this Resolution are repealed insofar as there is conflict or inconsistency.

**SECTION 16 – EFFECTIVE DATE:** This Resolution shall take effect immediately upon its adoption.

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**ADOPTED** at a Special Meeting of the School Board of St. Johns County, Florida, the 30<sup>th</sup> day of June, 2015, with a quorum present and voting.

**SCHOOL BOARD OF ST. JOHNS COUNTY,  
FLORIDA**

By: Beverly Slough  
Beverly Slough  
Chair

[SEAL]  
ATTEST:

Joseph G. Joyner  
Joseph G. Joyner, Ed.D.  
Superintendent of Schools  
St. Johns County School District

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Frank D. Upchurch III  
Frank D. Upchurch III  
Attorney  
St. Johns County School District

## **EXHIBIT A**

### **PLAN FOR USE OF SALES SURTAX PROCEEDS**

1. Pursuant to Section 212.055(6), Florida Statutes, capital improvements to be funded by proceeds of the sales surtax shall be for:
  - a. Construction of new school facilities.
  - b. Renovation or renewal of school facilities.
  - c. School safety and security improvements.
  - d. Technology upgrades, including hardware and software.
2. Scope of the projects will be based on a detailed assessment of the facility need and condition, and providing for a safe and appropriate learning environment.
3. A citizen advisory committee appointed by the School Board shall monitor and advise the School Board on the expenditure of the surtax proceeds.

**EXHIBIT B**

**NOTICE OF REFERENDUM ELECTION IN THE SCHOOL DISTRICT OF ST. JOHNS COUNTY,  
FLORIDA ON NOVEMBER 3, 2015**

**NOTICE IS HEREBY GIVEN THAT A REFERENDUM ELECTION** will be held on November 3, 2015, in St. Johns County, Florida, for the purpose of determining whether or not the electors in St. Johns County approve levying a one-half cent (1/2¢) school capital outlay surtax on sales in St. Johns County, Florida, for a period of 10 years, as specifically described and provided in a Resolution of the School Board of St. Johns County, Florida, adopted June 30, 2015, and published below.

The polls will be open at the voting place on the date of the referendum election from 7:00 a.m. until 7:00 p.m., absentee voting will be available for the referendum election, and early voting will run continuously from Saturday, October 24, through Saturday, October 31, including Sunday, October 25. Early voting hours are 9:00 a.m. to 6:00 p.m. The form of ballots to be used in the referendum for early voting shall be the same as used in the polling places for the election. The Supervisor of Elections shall designate the early voting locations.

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

[Insert form of Resolution]

**SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA**

By: Beverly Slough  
Beverly Slough  
Chair



**OFFICIAL BALLOT**

**ONE-HALF CENT SALES SURTAX FOR NEW SCHOOL FACILITIES AND SAFETY,  
SECURITY AND TECHNOLOGY UPGRADES**

Do you support the School Board levying a one-half cent (1/2¢) surtax on sales in St. Johns County, beginning January 1, 2016, for a period of ten years, to be used exclusively for new construction, reconstruction and improvement of school facilities, including safety and security improvements and technology upgrades? A list of critically-needed projects has been published and expenditures will be monitored by a citizen advisory committee.

\_\_\_\_\_ FOR THE ONE-HALF CENT (1/2 ¢) SALES TAX

\_\_\_\_\_ AGAINST THE ONE-HALF CENT (1/2 ¢) SALES TAX

**Recommendation**

Approve the attached Resolution and authorize the Superintendent to forward it to the St. Johns County Commission.

**Meeting Date(s)**

Consent w/o information - \_\_/\_\_/2015

**Authority for Action**

F.S. 212.055(6) and F.S. 101.161(1)

**Involves Expenditure of Funds Directly in the Classroom**

Yes

**Source of Funding**

Operating – Other

**Contact**

Michael D. Degutis, Chief Financial Officer, (904) 547-7651

Frank D. Upchurch III, School Board Attorney, (904) 829-9066

**Attachment:** Resolution 2015-\_\_ Related to a One-Half Cent School Capital Outlay Surtax