



Minutes of Meeting
Board of County Commissioners
St. Johns County, Florida
Emergency Meeting
County Administration Building
500 San Sebastian View
St. Augustine, Florida 32084
August 22, 2024 - 2:30 p.m.

CALL TO ORDER

Commissioner Arnold called the emergency meeting of the St. Johns County Board of County Commissioners to order at 2:30 p.m.

ROLL CALL

Present: Sarah Arnold, District 2, Chair
Roy Alaimo, District 3, Vice Chair
Christian Whitehurst, District 1
Krista Joseph, District 4
Henry Dean, District 5

Staff Present: Joy Andrews, County Administrator
Brad Bradley, Deputy County Administrator
Rich Komando, Interim County Attorney
Lex Taylor, Deputy County Attorney
Saundra Hutto, Deputy Clerk

INVOCATION

Whitehurst gave the invocation.

PLEDGE OF ALLEGIANCE

Alaimo led the Pledge of Allegiance.

ADDITIONS/DELETIONS TO THE JOINT MEETING AGENDA

There were none.

PUBLIC COMMENT

Public Comment: Denver Cook, Justin Miller, John Clegg, Charlie Hunt, Charlie Williams, Steve Burns, Joe McAnarney, and Rachael Akins provided public comment.

1. Public Hearing - In accordance with section 212.055(6)(b), Florida Statute (F.S.), a proposed resolution requesting that the Supervisor of Elections place the School Board's referendum question on the November 5, 2024, referendum election ballot to authorize the St. Johns County School Board to levy an additional discretionary sales surtax at a rate that may not exceed 0.5 percent. On August 20, 2024, in accordance with section 212.055 of the Florida Statutes, the St. Johns County School Board (School Board) adopted its Resolution No. 2024-05, calling for a referendum election to be held throughout St. Johns County, Florida, on the Tuesday following the first Monday of November, which is November 5, 2024, for the purpose of submitting to the duly-qualified electors of St. Johns County the question of whether to continue the existing one-half cent sales surtax for the purpose of funding the costs of new construction, reconstruction, and improvement of school facilities, including safety and security improvements and technology upgrades, with continued monitoring by the Sales Surtax Citizen Advisory Committee. The School Board requests that the St. Johns County Board of County Commissioners: (1) approve the date for the referendum, and (2) direct the St. Johns County Supervisor of Elections to place on the ballot the ballot question set forth and conduct said election pursuant to the provisions of Florida's Election Code. In a letter dated August 20, 2024, and addressed to the chair of the St. Johns County Board of Commissioners (Board), the School Board presented its Resolution No. 2024-05, and formally requested that the Board place the referendum statement as provided in its Resolution No. 2024-05, on a November 5, 2024, referendum election ballot. As required by Section 212.055(6)(b), sales surtax revenue will be shared with eligible charter schools based on their proportionate share of the total school district enrollment. The printer for the ballots for the Supervisor of Elections requires approval by the Board of County Commissioners no later than August 23rd at 5 pm, in order to meet publishing requirements for early voting. Section 212.055 of the Florida Statutes provides that the school board in each county is authorized to levy an additional discretionary sales surtax at a rate that may not exceed 0.5 percent. In order to do so, the school board is required to adopt a resolution, which includes a referendum statement that conforms to applicable provisions of the Florida Statutes. Section 212.055 further provides that the referendum statement shall be placed on the ballot by the governing body of the county. Florida Courts have ruled the authority over the referendum's date lies with the school board, as reflected in both state law and a 2020 ruling from the 19th Judicial Circuit. Here, in accordance with section 212.055 of the Florida Statutes, the proposed resolution provides that the Board issue a request to the St. Johns County Supervisor of Elections to place the School Board's referendum statement as provided in its Resolution No. 2024-05, on a November 5, 2024, referendum election ballot

Discussion occurred with Agenda Item 2.

Motion by Arnold, seconded by Whitehurst, carried 4/1, with Joseph dissenting, to adopt Resolution No. 2024-349, in accordance with section 212.055, F.S., requesting that the Supervisor of Elections place the School Board's referendum statement as provided in St. Johns County School Board Resolution No. 2024-05 on a November 5, 2024, referendum election ballot.

Yea: Arnold, Whitehurst, Alaimo, Dean
Nay: Joseph

2. Public Hearing - In accordance with section 1011.71(9) and 1011.73 Florida Statute (F.S.), a proposed resolution requesting that the Supervisor of Elections place the School Board's referendum question on a November 5, 2024, referendum election ballot to authorize the St. Johns County School Board to levy an additional millage for school operational purposes of ad valorem taxes. On August 20, 2024, in accordance with section 1011.71(9) and 1011.73 of the Florida Statutes, the St. Johns County School Board (School Board) adopted its Resolution No. 2024-06, calling for a referendum election to be held throughout St. Johns County, Florida, on the Tuesday following the first Monday of November, which is November 5, 2024, for the purpose of submitting to the duly-qualified electors of St. Johns County, the question of whether to increase ad valorem millage by one mill for four years beginning July 1, 2025, through June 30, 2029, to provide funding to: (a) recruit and retain high-quality teachers and staff by paying competitive compensation as compared to surrounding school districts, (b) continue to invest in school safety and student welfare, including school nurses and special education, and (c) preserve and enhance educational programs, including science, technology, art, music, and athletics for the benefit of St. Johns County traditional public schools and charter schools. The School Board hereby requests the St. Johns County Board of County Commissioners to: (1) approve the date for the referendum and (2) direct the St. Johns County Supervisor of Elections to place on the ballot the ballot question set forth and conduct the election pursuant to the provisions of Florida's Election Code. In a letter dated August 20, 2024, and addressed to the Chair of the St. Johns County Board of Commissioners (Board), the School Board presented its Resolution No. 2024-06, and formally requested that the Board place the referendum statement as provided in its Resolution No. 2024-06, on a November 5, 2024, referendum election ballot. As authorized by Section 1011.71(9), Florida Statutes, the revenue from the one mill levy will be shared with eligible charter schools based on their proportionate share of district school enrollment. The printer for the ballots for the Supervisor of Elections requires approval by the Board of County Commissioners no later than August 23rd at 5 pm, in order to meet publishing requirements for early voting. Section 1011.71(9) of the Florida Statutes, provides that the School Board in each county is authorized to levy an additional millage for school operational purposes up to an amount that, when combined with non-voted millage levied under this section, does not exceed the 10-mill limit established in statute 9(b), Art. VII of the State Constitution. In order to do so, the School Board is required to adopt a resolution, which includes a referendum statement that conforms to applicable provisions of the Florida Statutes. Section 1011.73 further provides that the referendum statement shall be placed on the ballot by the governing body of the county. Florida Courts have ruled the authority over the referendum's date lies with the School Board, as reflected in both state law and a 2020 ruling from the 19th Judicial Circuit. Here, in accordance with section 1011.71(9) and 1011.73 of the Florida Statutes, the proposed resolution provides that the Board issue a request to the St. Johns County Supervisor of Elections to place the School Board's referendum statement as provided in its Resolution No. 2024-06, on a November 5, 2024, referendum election ballot

Komando reviewed the applicable Florida Statutes and explained that the Board was not approving any tax or millage increase but was approving the School Board's request to place the questions

on the ballot for the electorate to make the decision as to whether, or not, there should be an increase. He explained further that if the Board did not approve the request, the Board could be open to a lawsuit, that would be difficult to defend.

Tim Forson, Superintendent of Schools, clarified that today's Board action was not an action to impose a tax, but was a ministerial action to move forward with bringing the requests to the voters of St. Johns County. He explained that the Board of County Commissioners was not endorsing or opposing anything with their actions today. Regarding the timing of the request, Forson said that the School Board had planned to move forward with the request immediately following the primary election.

Dean addressed the reasons for the emergency meeting and school funding.

Discussion ensued on having a no vote to avoid a lawsuit.

Motion by Arnold, seconded by Dean, carried 4/1, with Joseph dissenting, to adopt Resolution No. 2024-350, in accordance with section 1011.71(9) and section 1011.73, F.S., requesting that the Supervisor of Elections place the School Board's referendum statement as provided in its Resolution No. 2024-06 on a November 5, 2024, referendum election ballot.

Yea: Arnold, Dean, Alaimo, Whitehurst

Nay: Joseph

Joseph was queried as to why she did not vote to approve the School Board's request. She declined to respond. It was said that she was "taking the 5th." She clarified that she was "not taking the 5th," but felt that she did not need to explain her vote.

With there being no further business to come before the Board, the meeting adjourned at 3:08 p.m.

Approved September 3, 2024

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: _____

Sarah Arnold, Chair

ATTEST: BRANDON J. PATTY,
CLERK OF THE CIRCUIT COURT & COMPTROLLER

By: Brandon J. Patty
Deputy Clerk

