

RESOLUTION NO. 172

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, IN ACCORDANCE WITH SECTION 1011.73(2) OF THE FLORIDA STATUTES AND AS DIRECTED BY THE AUGUST 10, 2010 RESOLUTION BY THE ST. JOHNS COUNTY SCHOOL BOARD, CALLING FOR A REFERENDUM TO BE PLACED ON THE NOVEMBER 2, 2010 GENERAL ELECTION BALLOT TO DETERMINE WHETHER ELECTORS OF THE ST. JOHNS COUNTY SCHOOL DISTRICT APPROVE THE LEVY OF AN ADDITIONAL ONE-HALF (.50) MILL FOR CRITICAL SCHOOL MAINTENANCE AND EQUIPMENT NEEDS FOR A PERIOD OF FOUR YEARS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, Section 1011.73(2) of the Florida Statutes authorizes the School Board of St. Johns County ("School Board"), pursuant to a resolution adopted at a regular meeting, to direct the St. Johns County Board of County Commissioners to call an election at which the electors within the School District may approve additional millage for school operational purposes as provided under Section 1011.71(9) of the Florida Statutes; and

WHEREAS, on August 10, 2010 during a regular meeting, the School Board adopted a resolution ("Resolution"), which among other things, seeks placement of a referendum on the November 2, 2010 General Election Ballot to determine whether the electors of the School District approve the levy of an additional one-half (.50) mill for Critical School Maintenance and Equipment Needs for a period of four (4) years; and

WHEREAS, in accordance with Section 1011.73(2) of the Florida Statutes, the Resolution further provides a request, and to the extent required by law, a directive to the St. Johns County Board of County Commissioners, to call an election at which the electors within the School District may approve the levy of an additional one-half (.50) mill for Critical School Maintenance and Equipment Needs for a period of four (4) years; and

WHEREAS, the Resolution further provides for notice of the referendum election, times and places of voting, inspectors and clerks, substantial form of the ballot, absentee voting, early voting, printing ballots and referendum procedure.

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 findings of fact.

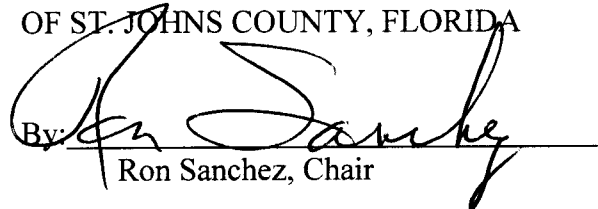
Section 2. In accordance with Section 1011.73(2) of the Florida Statutes and consistent with the August 10, 2010 Resolution adopted by the School Board (a copy is attached as Attachment 1 and incorporated herein), the Board of County Commissioners for St. Johns County, Florida as directed hereby calls that a referendum be placed on the November 2, 2010 General Election Ballot to determine whether the electors of the School District approve the levy of an additional one-half (.50) mill for Critical School Maintenance and Equipment Needs as provided in Section 1011.71(9) of Florida Statutes for a period of 4 years.

Section 3. 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.

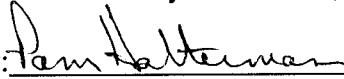
Section 4. This Resolution shall take effect upon execution by the Chair of the Board of County Commissioners of St. Johns County.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 17th day of August, 2010.

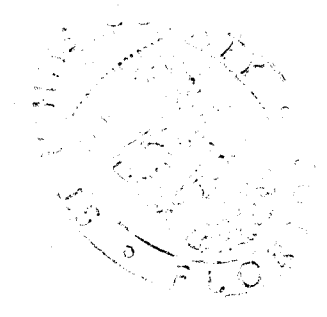
BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Ron Sanchez, Chair

ATTEST: Cheryl Strickland, Clerk

By: 
Deputy Clerk

Rendition Date: 8/19/10



A RESOLUTION OF THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE PLACED ON THE BALLOT OF THE NOVEMBER 2, 2010, GENERAL ELECTION TO DETERMINE IF THE ELECTORS OF THE SCHOOL DISTRICT OF ST. JOHNS COUNTY, FLORIDA, APPROVE THE LEVY OF AN ADDITIONAL ONE-HALF (0.50) MILL FOR CRITICAL SCHOOL MAINTENANCE AND EQUIPMENT NEEDS FOR FOUR YEARS PURSUANT TO SECTION 1011.71(9), FLORIDA STATUTES; 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 THE 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 1011.71(9), Florida Statutes (2009), and other applicable provisions of law.

SECTION 2. FINDINGS. The Board hereby finds and determines as follows:

A. All school boards in the State of Florida, including this Board, have experienced drastic funding reductions in recent years while operating expenses continue to rise.

B. In FY 2007-08, the local capital outlay millage for the St. Johns County School District was levied at 2 mills. By FY 2009-10, the Legislature had reduced the millage to 1.50 mills. Over the same time period, the taxable value of St. Johns County property for school purposes declined more than 20%. The combined reduction in millage and taxable property values has created a critical shortage of funds available for capital improvements and maintenance.

C. Since FY 2007-2008, the School District's budgeted revenues that support maintenance, equipment purchases, technology, buses, planning and new construction have decreased by more than \$34 million, a decrease of more than 50%, including a \$12 million (92%) reduction in state funding. Additional reductions are anticipated for FY 2010-2011 and future years. However, since 2007-2008, the District also experienced student growth of over 1,900 new students (7%). It is anticipated that school enrollment will continue to grow in the future, and the cost of acquiring and maintaining school equipment and other assets will continue to increase.

D. Section 1011.73(2), Florida Statutes (2009) authorizes the School Board pursuant to a resolution adopted a regular meeting to direct the Board of County Commissioners to call an

election at which the electors within the School District may approve additional millage for school operational purposes as authorized under Section 1011.71(9), Florida Statutes (2009).

E. Section 1011.71(9), Florida Statutes (2009) authorizes a school district to levy by referendum additional millage for school operational purposes up to an amount that, when combined with the non-voted millage levied under that statute, does not exceed the 10-mill limit established in Section 9(b) Article VII of the State Constitution, for a period of four years.

F. The School Board has determined that providing funding for school maintenance and bus and equipment purchases ("Critical School Maintenance and Equipment Needs") is a school operational purpose within the meaning of Section 1011.71(9), Florida Statutes (2009).

G. Pursuant to Section 1011.71(9), Florida Statutes (2009), the School District has authority to levy by local referendum an additional one-half (0.50) mill for a period of four years, beginning with FY 2011-2012, for the purpose of providing funding for Critical School Maintenance and Equipment Needs to partially offset the \$34 million loss of funding from the one-half (0.50) mill reduction in the capital outlay millage and other budget cuts the District has experienced. If approved by the voters, the one-half (0.50) mill would generate approximately \$10 million per year.

H. The School Board has determined that it is in the best interest of the School District to submit to the voters the question of approving the levy of an additional one-half (0.50) mill for Critical School Maintenance and Equipment Needs for four years, beginning with FY 2011-2012.

SECTION 3. REFERENDUM ELECTION. The St. Johns County Board of County Commissioners is hereby requested and, to the extent required by law, directed to order a referendum election to be held in the District on November 2, 2010, to determine whether or not an additional one-half (0.50) mill shall be levied within St. Johns County for Critical School Maintenance and Equipment Needs for four years, beginning with FY 2011-2012.

SECTION 4. NOTICE OF REFERENDUM ELECTION. 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 thirty (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 A. This Resolution shall be published as a part of such notice.

SECTION 5. PLACES OF VOTING; INSPECTORS AND CLERKS. The 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 District 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 6. OFFICIAL BALLOT. The ballots to be used in the referendum election shall contain a statement relating to the levy of one-half (0.50) mill for Critical School Maintenance and Equipment Needs for four fiscal years beginning July 1, 2011 and ending June 30, 2015. The ballot shall be in substantially the following form:

OFFICIAL BALLOT

School District of St. Johns County, Florida
Referendum Election – November 2, 2010

REFERENDUM ON 0.50 MILL LEVY FOR CRITICAL
SCHOOL MAINTENANCE AND EQUIPMENT NEEDS

In order to partially replace the loss of funding the School District has experienced, shall an additional one-half (0.50) mill be levied for critical school maintenance and equipment needs under Section 1011.71(9), Florida Statutes, for the fiscal years beginning July 1, 2011 and ending June 30, 2015?

___ YES

___ NO

SECTION 7. ABSENTEE VOTING. Adequate provision shall be made for absentee voters. The form of ballots to be used in the referendum election for absentee voters shall be the same as used in the polling places for the election.

SECTION 8. EARLY VOTING. Early voting shall be provided eight (8) hours per weekday and eight (8) hours in the aggregate or on weekends. It shall begin fifteen (15) days before the referendum election and end on the Saturday before the referendum election. The form of ballots to be used in the referendum election for early voting shall be the same as used in the polling places for the election.

SECTION 9. PRINTING OF BALLOTS. Absentee and early voting ballots are printed as necessary by the Supervisor of Elections of St. Johns County.

SECTION 10. 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 District. 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.

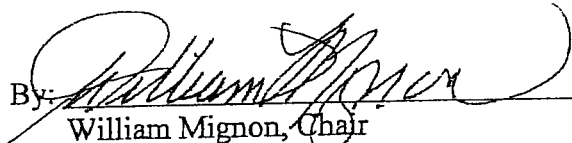
SECTION 11. SEVERABILITY. In the event that any word, phrase, clause, sentence, or paragraph of this Resolution shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence, or paragraph.

SECTION 12. REPEALING CLAUSE. All Resolutions in conflict or inconsistent with this Resolution are repealed insofar as there is conflict or inconsistency.

SECTION 13. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

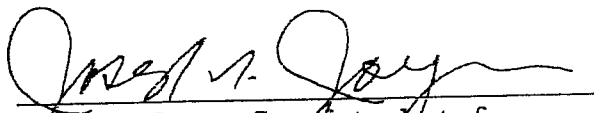
ADOPTED at a Regular Meeting of the School Board of St. Johns County, Florida, the 10 day of AUGUST, 2010, with a quorum present and voting.

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

By: 
William Mignon, Chair

[SEAL]

ATTEST:


Joseph G. Joyner, Superintendent of
Schools and Ex Officio Secretary to the
School Board of St. Johns County, Florida

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

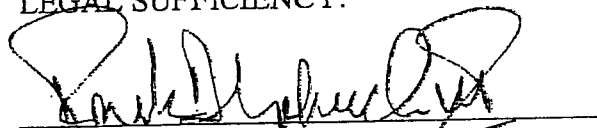

Frank D. Upchurch III, Attorney
School Board of St. Johns County, Florida

EXHIBIT A

NOTICE OF REFERENDUM ELECTION IN THE SCHOOL DISTRICT
OF ST. JOHNS COUNTY, FLORIDA, ON NOVEMBER 2, 2010

NOTICE IS HEREBY GIVEN THAT A REFERENDUM ELECTION will be held on November 2, 2010, in the School District of St. Johns County, Florida, for the purpose of determining whether or not the electors in the School District approve the levy of one-half (0.50) mill for Critical School Maintenance and Equipment Needs for four years, beginning with the 2011-2012 fiscal year; all as more specifically described and provided in a Resolution of the School Board of St. Johns County, Florida, adopted _____, 2010, 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 begin fifteen (15) days before the referendum election and end on the Saturday before the referendum election, all as provided in the Resolution published below.

All qualified electors residing within the School District shall be entitled, qualified, and permitted to vote at the referendum election.

[Insert form of Resolution]

SCHOOL BOARD OF ST. JOHNS COUNTY,
FLORIDA

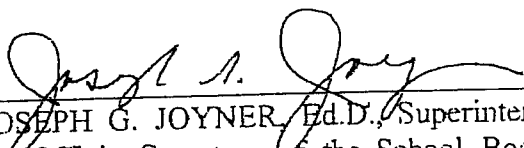
By: _____
William Mignon, Chair

**CERTIFICATE REGARDING RESOLUTION
OF SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA**

I, **JOSEPH G. JOYNER, Ed.D.**, the undersigned Superintendent of Schools and Ex Officio Secretary of the School Board of St. Johns County, Florida (the "Board"). **DO HEREBY CERTIFY** that:

Attached hereto is a copy of "RESOLUTION OF THE SCHOOL BOARD OF ST. JOHNS COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE PLACED ON THE BALLOT OF THE NOVEMBER 2, 2010, GENERAL ELECTION TO DETERMINE IF THE ELECTORS OF THE SCHOOL DISTRICT OF ST. JOHNS COUNTY, FLORIDA, APPROVE THE LEVY OF AN ADDITIONAL ONE-HALF (0.50) MILL FOR CRITICAL SCHOOL MAINTENANCE AND EQUIPMENT NEEDS FOR FOUR YEARS PURSUANT TO SECTION 1011.71(9), FLORIDA STATUTES; 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 THE REFERENDUM ELECTION PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE" adopted at a meeting of the School Board of St. Johns County, Florida, duly called and held on August 10, 2010, at which meeting a quorum was present and acting throughout, which resolution has been compared by me with the original thereof as recorded in the Minute Book of said Board and that said Resolution is a true, complete and correct copy thereof, and said Resolution has been duly adopted and has not been further modified, amended or repealed, and is in full force and effect on and as of the date hereof in the form attached hereto.

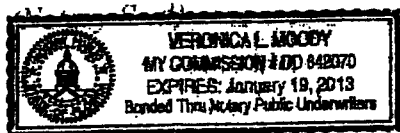
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board this 10 day of August, 2010.

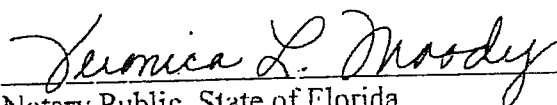


JOSEPH G. JOYNER, Ed.D., Superintendent and
Ex Officio Secretary of the School Board of St.
Johns County, Florida

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 10 day of August, 2010, by JOSEPH G. JOYNER, Ed.D., Superintendent and Ex Officio Secretary of the School Board of St. Johns County, Florida who is () personally known to me or () produced a valid Florida driver's license as identification, and () did/() did not take an oath.





Notary Public, State of Florida
Print Name: Veronica L. Moody
My Commission Expires: 1-19-2013