

Administration
1769 E. Moody Blvd Bldg 2
Bunnell, FL 32110



www.flaglercounty.org
Phone: (386)313-4001
Fax: (386)313-4101

TO: Ms. Kimberle Weeks, Supervisor of Elections
FROM: Craig M. Coffey, County Administrator *CMC*
DATE: June 6, 2012
RE: SCHOOL BOARD BALLOT LANGUAGE

RECEIVED
FLAGLER COUNTY
SUPERVISOR OF ELECTIONS
2012 JUN - 7 P 4: 06

Ms. Weeks,

The Flagler County Commission is in receipt of the attached corrected Resolution for the School Board Referendum to be placed on the August 14, 2012 primary election ballot. The School Board made revisions to the referendum ballot to ensure compliance with the relevant state statutes.

As you know, on June 4, 2012, the County Commission as part of its public hearing approved a resolution providing for the referendum to be placed on the primary election ballot for August 14, 2012 allowing for the Discretionary One-Half Cent Sales Surtax for the School District. It is my opinion, with the concurrence of the County Attorney, that the revised ballot language adopted by the Flagler County School Board on June 5, 2012 in no way alters the intent of the referendum and, therefore, would not affect the outcome of the vote of the Flagler County Board of County Commissioners at their meeting on June 4, 2012. We will be preparing a confirming resolution which reflects the new language adopted by the School Board and have it on our June 18, 2012 meeting agenda in order that the final ballot language is ratified by resolution. We will certify a copy of that confirming resolution to your office.

Thank you for your cooperation.

Craig M. Coffey
Craig M. Coffey
County Administrator

Albert J. Hadeed
Albert J. Hadeed
County Attorney

Attachment

C: Flagler County Board of County Commissioners (w/ revised language)
Kristy J. Gavin, Attorney, Flagler County Public Schools (w/ revised language)

/clm

**THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA
RESOLUTION NO. 2011-12-11 (CORRECTED)**

A RESOLUTION OF THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA CALLING FOR A REFERENDUM TO BE HELD ON AUGUST 14, 2012 FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, FLORIDA A QUESTION REGARDING THE LEVY BY THE SCHOOL BOARD OF A DISCRETIONARY SALES SURTAX OF ONE-HALF CENT FOR THE PURPOSE OF FUNDING THE COSTS OF FIXED CAPITAL OUTLAY, TECHNOLOGY IMPLEMENTATION AND RETROFITTING, AND LAND ACQUISITION, AND BOND INDEBTEDNESS THEREFORE, IF ANY; PROVIDING FOR PROPER NOTICE OF SUCH ELECTION; AUTHORIZING CERTAIN INCIDENTAL ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the revenue sources for the School District of Flagler County, Florida for funding the costs of technology implementation, including hardware and software, and of construction, reconstruction and improvement of new and existing public schools, have become more and more inadequate; and

WHEREAS, the critical need for school improvement, construction, renovation, and replacement has been established; and

WHEREAS, the lack of funding throughout the School District of Flagler County, Florida, for the costs of for the cost of providing and retrofitting schools for technology implementation, including hardware and software, and construction, reconstruction and improvement of new and existing public school facilities, has become more and more acute; and

WHEREAS, the School Board of Flagler County is authorized by Subsection 212.055(6) of the Florida Statutes to levy a one-half cent sales surtax to fund capital outlay projects and technology implementation, including the payment of bond indebtedness and any interest accrued thereto, upon approval by a majority vote of the electors of Flagler County;

WHEREAS, the School Board desires to limit the financial impact of its capital outlay and technology implementation programs on local property owners by supplementing the use of ad valorem taxes to pay the costs of such improvements;

WHEREAS, the School Board has adopted a plan for use of the proceeds of levy and collection of the surtax for capital outlay and information and communication technology purchase and implementation, which plan may be modified from time to time as the School Board determines to be in the best interest of the citizens throughout Flagler County;

NOW, THEREFORE, BE IT RESOLVED BY THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA:

Section 1. Continuing Tax Levy. There is hereby levied and imposed within Flagler County a continuation of the discretionary sales surtax of 0.5 percent (one-half cent) pursuant to the provisions of Subsection 212.055(6) and Subsection 212.054, of the Florida Statutes (2011).

Section 2. Term of Levy. The surtax levy shall commence January 1, 2013. The surtax levy shall remain in full force and effect for a period of ten (10) years from and after January 1, 2013 through December 31, 2022 unless repealed or reduced prior to that time by resolution of the School Board, which repeal or reduction may be effectuated without referendum.

Section 3. Administration. The surtax levied hereby shall be collected, administered and paid to the School Board by the Department of Revenue pursuant to the terms of Subsection 212.054(4)(a), of the Florida Statutes and such other laws as may be applicable.

Section 4. Use of Revenues. The proceeds of the levy and collection of the surtax and any interest accrued thereto shall be expended by the School Board for retrofitting and providing for technology implementation, including hardware and software, for all sites within the District, as well as for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction or improvement of school facilities and campuses which have a useful life of five (5) or more years, and any land acquisition, land improvement, design and engineering costs related thereto, and for the costs of. Such proceeds and interest thereon may also be used for the purpose of servicing bond indebtedness to finance the projects authorized above. A brief and general description of the initial capital outlay projects to be funded by the surtax is set forth in the plan attached hereto as Exhibit A. Such plan may be modified from time to time as circumstances change and needs arise.

Section 5. Referendum Election Ordered. A referendum election is hereby ordered to be held in the District on August 14, 2012, to determine whether or not a sales surtax of 0.5 percent (one-half cent) shall continue to be levied within Flagler County to fund the critical need for the cost of retrofitting schools for technology implementation, including hardware and software and the cost of school construction, renovation, replacement and improvement.

Section 6. 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 throughout Flagler County. The publication shall be made not less than 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, which notice shall be substantially in the following form, together with such additional

information as the Supervisor of Elections and County Clerk of Flagler county, Florida, shall require:

**NOTICE OF REFERENDUM
TUESDAY, AUGUST 14, 2012
IN
FLAGLER COUNTY, FLORIDA**

NOTICE IS HEREBY GIVEN THAT AN ELECTION HAS BEEN CALLED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, AT THE REQUEST OF THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA FROM 7:00 A.M. UNTIL 7:00 P.M. ON TUESDAY, THE 14TH DAY OF AUGUST, 2012, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, FLORIDA, THE FOLLOWING BALLOT TITLE AND QUESTION:

**SCHOOL BOARD REFERENDUM CONTINUING
ONE-HALF CENT SURTAX TO FUND TECHNOLOGY
AND EDUCATIONAL FACILITIES IMPROVEMENTS**

SHALL THE FLAGLER COUNTY SCHOOL BOARD CONTINUE TO LEVY A ONE-HALF CENT SALES SURTAX FOR A PERIOD OF TEN (10) YEARS, BEGINNING JANUARY 1, 2013, TO FUND THE IMPLEMENTATION, UPGRADING, RETROFITTING AND EQUIPPING OF ALL SCHOOLS WITH TECHNOLOGY; AND TO FINANCE EDUCATIONAL FACILITIES, CONSTRUCTION, RECONSTRUCTION, REMODELING AND RENOVATIONS, LAND ACQUISITION AND IMPROVEMENT FOR THE FLAGLER COUNTY SCHOOL DISTRICT?

Instruction to Voters:

___ FOR THE CONTINUATION OF A ONE-HALF (1/2) CENT SALES SURTAX

___ AGAINST THE CONTINUATION OF A ONE-HALF (1/2) CENT SALES SURTAX

A RESOLUTION ADOPTED BY THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA, ON *MAY 22, 2012*, PROVIDES FOR THE CONTINUED IMPOSITION OF A ONE-HALF CENT SALES TAX, THE PROCEEDS OF WHICH SHALL BE EXPENDED BY THE SCHOOL BOARD FOR FIXED CAPITAL EXPENDITURES AND FIXED CAPITAL COSTS ASSOCIATED WITH THE COSTS OF RETROFITTING AND PROVIDING FOR TECHNOLOGY IMPLEMENTATION, INCLUDING HARDWARE AND SOFTWARE, FOR ALL SCHOOL SITES WITHIN THE DISTRICT: AND FOR THE CONSTRUCTION, RECONSTRUCTION OR IMPROVEMENT OF SCHOOL FACILITIES AND CAMPUSES WHICH HAVE A USEFUL LIFE EXPECTANCY OF

FIVE (5) OR MORE YEARS, AND ANY LAND ACQUISITION, LAND IMPROVEMENT, DESIGN AND ENGINEERING COSTS RELATED THERETO, AND SUCH PROCEEDS AND INTEREST THEREON MAY ALSO BE USED FOR THE PURPOSE OF MAKING LEASE PAYMENTS UNDER LEASE PURCHASE AGREEMENTS AND FOR THE PURPOSE OF SERVICING BOND INDEBTEDNESS TO FINANCE PROJECTS AUTHORIZED ABOVE. A BRIEF AND GENERAL DESCRIPTION OF THE INITIAL CAPITAL OUTLAY PLAN IS ATTACHED TO RESOLUTION NO. 2011-12-11 AS EXHIBIT A. SAID PLAN IS AVAILABLE FOR INSPECTION AND REVIEW AT THE SCHOOL BOARD ADMINISTRATION OFFICE.

IN ACCORDANCE WITH THE CONSTITUTION AND THE ELECTION LAWS OF THE STATE OF FLORIDA, ALL DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, FLORIDA, SHALL BE ENTITLED TO VOTE IN THE ELECTION OF WHICH THIS NOTICE PERTAINS.

THE SCHOOL BOARD OF FLAGLER COUNTY, FLORIDA, SHALL BE AUTHORIZED TO LEVY THE TAX COVERED BY THE QUESTION STATED ABOVE IF THE QUESTION SHALL BE APPROVED BY VOTE OF A MAJORITY OF THE DULY QUALIFIED ELECTORS OF FLAGLER COUNTY, VOTING THEREON.

Section 7. Official Ballot. The official ballot to be used in the election to be held on August 14, 2012 shall be in English and shall be in full compliance with the laws of the State of Florida and shall be substantially in the following form:

OFFICIAL BALLOT

SCHOOL BOARD REFERENDUM CONTINUING
ONE-HALF CENT SURTAX TO FUND TECHNOLOGY
AND EDUCATIONAL FACILITIES IMPROVEMENTS

SHALL THE FLAGLER COUNTY SCHOOL BOARD CONTINUE TO LEVY A ONE-HALF CENT SALES SURTAX FOR A PERIOD OF TEN (10) YEARS, BEGINNING JANUARY 1, 2013, TO FUND THE IMPLEMENTATION, UPGRADING, RETROFITTING AND EQUIPPING OF ALL SCHOOLS WITH TECHNOLOGY; AND TO FINANCE EDUCATIONAL FACILITIES, CONSTRUCTION, RECONSTRUCTION, REMODELING AND RENOVATIONS, LAND ACQUISITION AND IMPROVEMENT FOR THE FLAGLER COUNTY SCHOOL DISTRICT?

_____ FOR THE CONTINUATION OF A ONE-HALF (1/2) CENT SALES SURTAX

_____ AGAINST THE CONTINUATION OF A ONE-HALF (1/2) CENT SALES SURTAX

If a majority of the ballots cast at such election shall be "FOR THE ONE-HALF CENT TAX", the levy of such tax shall be approved and said surtax shall be levied as provided by law.

Section 8. Statutory References. All statutory references herein shall be to said Florida statutes as they exist on the date of adoption of this Resolution and as they may be from time to time amended or renumbered except to the extent contractual commitments would preclude application of a subsequent statutory revision or repeal.

Section 9. Severability. It is declared to be the intent of the School Board that, if any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

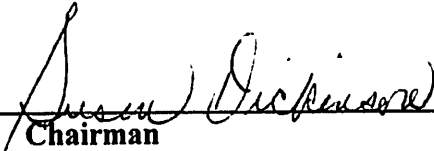
Section 10. Conflict. Any resolution or part thereof in conflict with this Resolution or any part hereof is hereby repealed to the extent of the conflict.

Section 11. Effective Date. Sections 1 through 4 of this Resolution shall be effective upon approval by a majority of votes cast by qualified electors in the referendum provided herein and the remaining sections of this Resolution shall be effective immediately upon its adoption.

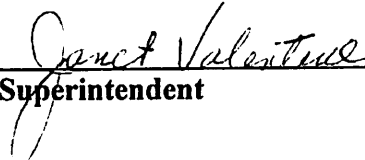
DULY ADOPTED AND APPROVED THIS 22nd day of May, 2012, by the School Board of Flagler County, Florida.

**SCHOOL BOARD OF FLAGLER COUNTY,
FLORIDA, ACTING AS THE GOVERNING
BODY OF THE FLAGLER COUNTY
SCHOOL DISTRICT**

(SEAL)

By: 
Chairman

ATTEST:


Superintendent