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RESOLUTION

A RESOLUTION OF THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD BEFORE DECEMBER 31, 2019, FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF CLAY COUNTY, FLORIDA, A QUESTION REGARDING THE LEVY BY THE SCHOOL BOARD OF A DISCRETIONARY SALES SURTAX OF ONE-HALF CENT FOR THE FUNDING OF NEW CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT OF SCHOOL FACILITIES INCLUDING LAND ACQUISITION, SAFETY AND SECURITY IMPROVEMENTS, TECHNOLOGY IMPLEMENTATION, AND UPGRADES, INCLUDING INDEBTEDNESS THEREFORE, IF ANY; PROVIDING FOR PROPER NOTICE OF SUCH ELECTION; PROVIDING FOR ABSENTEE VOTING, EARLY VOTING AND FOR PRINTING OF BALLOTS; AUTHORIZING CERTAIN RESOLUTION INCIDENTAL ACTIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The School Board of Clay County, Florida ("School Board"), has developed a long range capital outlay needs assessment establishing those needs on the basis of growth projected in Clay County, Florida; and

WHEREAS, the School Board has determined that it has insufficient existing capital outlay funding to meet its established capital outlay needs of construction, renovation and technology and security upgrades, which needs are being driven by growth in Clay County, Florida; and

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

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WHEREAS, surveys by the School Board indicate the need for construction of new facilities, renovation of existing school facilities and installation of new computer technology and retrofitting of existing facilities for technology implementation throughout the District; and

WHEREAS, needed improvements to the Clay County District Schools' physical plants, security and technology infrastructure are critically overdue; and

WHEREAS, it is the School Board's duty to ensure the establishment of new schools and the many needed critical improvements to the existing schools and technology infrastructure within the district that cannot be funded with existing revenue sources in the foreseeable future; and

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

NOW, THEREFORE, BE IT RESOLVED by The School Board of Clay County, Florida:

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

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

A. That the school district has grown and will continue to grow as projected by 600 students per year for the next ten (10) years. Additional funding is needed to construct, renovate, repair, render safe and secure and update school facilities to accommodate the current and increasing 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

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improvements, technology upgrades, along with phased replacement.

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 Clay County. Proceeds will be used for school safety and security, technology needs, and capital improvements to, and new construction of, school facilities.

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 thirty (30) years, commencing on January 1, 2020, and terminating December 31, 2049, is necessary for the School Board to provide sufficient funds to sustain its facilities and fund the new facilities needed to accommodate an aging plant and growing enrollment.

E. That the levy of a one-half cent school capital outlay sales surtax is subject to approval by the electors of the District at a referendum held as provided in Section 212.055(6), *Florida Statutes*, and if approved is hereby levied and will be collected as authorized in the manner required by law.

F. That a citizen advisory committee consisting of Clay County citizens will be appointed by the School Board to monitor and advise the School Board and school district staff on the expenditure of funds.

SECTION 3 – PLAN FOR USE OF SALES SURTAX PROCEEDS: The proceeds of the school capital outlay sales surtaxes authorized by Section 212.055(6), *Florida Statutes*, shall be expended by the School Board for fixed capital expenditure or fixed capital costs associated with the renovation or construction of school facilities and campuses, and any land improvement, design and engineering costs related thereto, and for the costs of security, security services and costs of retrofitting and providing for technology implementation, including hardware and software which have a useful life expectancy of five (5) or more years, for the various sites within the district. A plan for these capital expenditures is set forth in

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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 county 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 Clay County Board of Commissioners and the same is hereby levied for the period commencing, **January 1, 2020, and ending December 31, 2049**, and will be collected as authorized in the manner required by law.

SECTION 5 – REFERENDUM ELECTION ORDERED: The Board of County Commissioners in and for Clay County, Florida is hereby directed to place the required referendum election on the ballot of the special election to be held before December 31, 2019.

SECTION 6 – NOTICE OF REFERENDUM ELECTION: Not less than thirty (30) days' notice of said election shall be given by publication in the manner and at the times required by Florida law. Said notice shall be substantially in the following form together with such additional information as the Supervisor of Elections and the County Clerk of Clay County, Florida, shall require:

NOTICE OF ELECTION
TUESDAY, _____, 2019
IN
CLAY COUNTY, FLORIDA

NOTICE IS HEREBY GIVEN THAT AN ELECTION HAS BEEN CALLED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, AT THE REQUEST OF THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA, FROM 7:00 A.M. UNTIL 7:00 P.M. ON TUESDAY, THE __TH DAY OF _____, 2019, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY QUALIFIED ELECTORS OF CLAY COUNTY, FLORIDA, THE FOLLOWING QUESTION:

SHALL A ONE-HALF CENT SALES SURTAX BE
LEVIED IN CLAY COUNTY FOR A PERIOD OF
THIRTY (30) YEARS, BEGINNING JANUARY 1,

2020, TO FINANCE CONSTRUCTION, RECONSTRUCTION, RENOVATION, REMODELING, LAND ACQUISITION AND IMPROVEMENT OF SCHOOL FACILITIES, INCLUDING SAFETY, SECURITY, TECHNOLOGY UPGRADES, AND FACILITY IMPROVEMENTS?

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Instructions to Voters

_____ YES = FOR THE 1/2% (0.5 CENTS) TAX
_____ NO = AGAINST THE 1/2% (0.5 CENTS) TAX

A RESOLUTION ADOPTED BY THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA, ON JUNE 27, 2019, PROVIDES FOR THE IMPOSITION OF A ONE-HALF CENT SALES TAX, THE PROCEEDS OF WHICH SHALL BE EXPENDED BY THE SCHOOL BOARD 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 EXPECTANCY OF FIVE (5) OR MORE YEARS, AND ANY LAND ACQUISITION, LAND IMPROVEMENT, DESIGN AND ENGINEERING COSTS RELATED THERETO, AND FOR THE COSTS OF RETROFITTING AND PROVIDING FOR TECHNOLOGY AND SAFETY AND SECURITY IMPLEMENTATION, INCLUDING HARDWARE AND SOFTWARE, FOR THE VARIOUS SITES WITHIN THE DISTRICT. 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.

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

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

SECTION 7 – PLACES OF VOTING, INSPECTORS AND CLERKS: The Clay 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 will be entitled and permitted to vote at the referendum election on the proposition provided in the Resolution. The places of voting and the inspectors and clerks of the referendum election will be those designated by the Supervisor of Elections of Clay County in accordance with law.

SECTION 8 – OFFICIAL BALLOT: The ballots to be used in the referendum election to be held on November 5, 2019, shall be in English and Spanish and shall be in full compliance with the laws of the state of Florida and shall be substantially in the following form:

OFFICIAL BALLOT

THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA,
REFERENDUM ELECTION

, 2019

REFERENDUM REGARDING THE LEVY OF ONE-HALF CENT SALES SURTAX BY THE CLAY COUNTY SCHOOL BOARD TO FINANCE EDUCATIONAL FACILITIES INCLUDING CONSTRUCTION, RECONSTRUCTION AND IMPROVEMENT OF SCHOOL FACILITIES AND TECHNOLOGY AND SECURITY UPGRADES.

SHALL A ONE-HALF CENT SALES SURTAX BE LEVIED IN CLAY COUNTY FOR A PERIOD OF THIRTY (30) YEARS, BEGINNING JANUARY 1, 2020, TO FINANCE CONSTRUCTION, RECONSTRUCTION RENOVATION, REMODELING, LAND ACQUISITION AND IMPROVEMENT OF SCHOOL FACILITIES, INCLUDING SAFETY, SECURITY, TECHNOLOGY UPGRADES, AND FACILITY IMPROVEMENTS?

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_____ YES = FOR THE 1/2% (0.5 CENTS) TAX
_____ NO = AGAINST THE 1/2% (0.5 CENTS) TAX

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

SECTION 10 – PRINTING OF BALLOTS: The Supervisor of Elections of Clay County is authorized and directed to have printed, as needed, ballots for absentee electors entitled to cast ballots in the referendum election and to make appropriate arrangements for conducting the election at the polling places specified.

SECTION 11 – REFERENDUM ELECTION PROCEDURE: The Supervisor of Elections of Clay County shall hold, administer and conduct the referendum election in the manner prescribed by law for holding election 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 will be canvassed in accordance with law.

SECTION 12 – FINANCIAL RESPONSIBILITY: The Board shall be responsible for the cost of the special election.

SECTION 13 – SEVERABILITY: In the event 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 14 - ADDITIONAL ACTION: The Board Chair through the School Board Attorney is authorized, without further action of the School Board, to take whatever steps or actions are necessary to ensure that the requested election is set in a timely manner and is set to take place within the time frame set forth in this Resolution.

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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.

DULY ADOPTED AND APPROVED this _____ day of June 2019, by the School Board of Clay County, Florida.

THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA

By _____
CAROL STUDDARD, Chairman

By _____
JANICE KEREKES

By _____
TINA BULLOCK

By _____
MARY BOLLA

By _____
ASHLEY GILHOUSEN

ATTEST:

ADDISON G. DAVIS, Superintendent

EXHIBIT A

PLAN FOR USE OF SALES SURTAX PROCEEDS

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1. Pursuant to Section 212.055(6), *Florida Statutes*, capital improvements to be funded by proceeds of the sales surtax shall be for:

- a. Renovation or renewal of school facilities
- b. Construction of new school facilities
- c. Technology upgrades; hardware and software
- d. School safety and security improvements
- e. Phased replacement plan objectives

2. Scope of projects will be based on a detailed facility assessment of the facility need, condition and provision for a **secure**, safe and appropriate learning environment.

3. A citizen advisory committee consisting of Clay County citizens appointed by the School Board shall monitor and advise the School Board on the expenditure of the surtax proceeds.

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Do you support the school board levying a one-half cent surtax on sales in Clay County beginning January 1, 2020 for a period of thirty (30) 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 citizens advisory committee.

_____ FOR THE ONE-HALF CENT SALES TAX

_____ AGAINST THE ONE-HALF CENT SALES TAX