

RESOLUTION 19-16

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, AND TO SERVICE BOND INDEBTEDNESS THEREFOR, 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 for school facilities, 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 and security upgrades, has become more acute; and

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 and security upgrades throughout the District; and

WHEREAS, needed construction and improvements to the Clay County District Schools' facilities and 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 new construction projects and critical improvements to the existing schools and

technology and security infrastructure within the district which 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 more than 600 students per year for the next ten (10) years. Additional funding is needed to construct, renovate, repair, render safe and secure and technologically 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 improvements and 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 Board hereby determines that it is in the best interest of the School District of Clay County, Florida (“the District”) and its students to levy the sales surtax authorized by and in accordance with Sections 212.055(6), and 212.054 *Florida Statutes*, in an amount equal to one-half cent per dollar (the “Sales Surtax”).
- E. 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 repair, reconstruct, improve and

sustain its existing facilities and fund the construction of new facilities needed to accommodate an aging plant and growing enrollment and/or to make lease payments under lease purchase agreements pursuant to Sections 1001.42 (11)(b)5 and 1013.15(2), Florida Statutes, or pay bond indebtedness issued to finance capital projects, all of which is permitted by Section 212.055(6), Florida Statutes.

F. 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 will be collected as authorized in the manner required by law.

G. 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, reconstruction or construction of school facilities and campuses, and any land acquisition and land improvement, design and engineering costs related thereto, and for the costs of safety and security equipment, 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 the plan entitled ED. F.I.R.S.T., which is attached hereto and incorporated herein as Exhibit B. The intended use of the sales tax proceeds also includes additional capital projects which are not listed in detail, as well as the making of lease payments under lease purchase agreements pursuant to Sections 1001.42 (11)(b)5 and 1013.15(2), Florida Statutes, and/or pay and service bond indebtedness issued to finance capital projects expenditures, authorized by Section 212.055(6), Florida Statutes.

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*, the School Board hereby levies a one-half cent school capital outlay sales surtax and the same is hereby levied for the period commencing, January 1, 2020, and ending December 31, 2049. The Sales Surtax, in an amount equal to one-half cent per dollar shall be collected as authorized in the manner required by law.

SECTION 5 – REFERENDUM ELECTION ORDERED: The School Board hereby requests that the Board of County Commissioners of Clay County, Florida, call a special election/referendum to be held throughout Clay County, Florida, on a date prior to December 31, 2019, which date is to be set by the Supervisor of Elections, for the purpose of submitting to the duly qualified electors of Clay County the question set forth herein. The Clay County Supervisor of Elections shall conduct said special election pursuant to the provisions of the election laws of the State of Florida.

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 ____ 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? A LIST OF CRITICALLY NEEDED PROJECTS HAS BEEN PUBLISHED AND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS ADVISORY COMMITTEE.

Instructions to Voters

_____ FOR THE 1/2% (0.5 CENTS) TAX
_____ 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

COSTS RELATED THERETO, AND FOR THE COSTS OF RETROFITTING AND PROVIDING FOR TECHNOLOGY AND SAFETY AND SECURITY IMPLEMENTATION, INCLUDING HARDWARE AND SOFT-WARE, 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 ISSUED 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.

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 _____, 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

LEVY OF A ONE-HALF CENT SALES
SURTAX FOR EDUCATIONAL FACILITIES,
TECHNOLOGY AND SECURITY.

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, RECON-STRUCTION, RENOVATION,

REMODELING, LAND ACQUISITION AND IMPROVEMENT OF SCHOOL FACILITIES, INCLUDING SAFETY, SECURITY, TECHNOLOGY UPGRADES, AND FACILITY IMPROVEMENTS? A LIST OF CRITICALLY NEEDED PROJECTS HAS BEEN PUBLISHED AND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS ADVISORY COMMITTEE.

Instructions to Voters

_____ FOR THE 1/2% (0.5 CENTS) TAX
_____ 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. The Superintendent of Schools is authorized and directed to process payment of election costs as needed.

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.

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 27th day of June 2019, by the School Board of Clay County, Florida.

THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA

By *Carol Studdard*
CAROL STUDDARD, Chairman

By *Janice Kerekex*
JANICE KEREKES

By *Tina Bullock*
TINA BULLOCK

By *Mary Bolla by consent*
MARY BOLLA *signed by Carol Studdard*

By *Refused*
ASHLEY GILHOUSEN

ATTEST:

[Signature]
ADDISON G. DAVIS, Superintendent

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 capital projects having a useful life expectancy of more than five (5) years, and any land acquisition, land improvement, design and engineering costs related to, but not limited to, the following:

- 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, such as, and for example only and not as a limitation, reduction of portable classrooms.
- f. In addition to, and without limiting the above listed improvements and projects, those projects listed in ED.F.I.R.S.T. plan attached hereto as Exhibit B.

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.

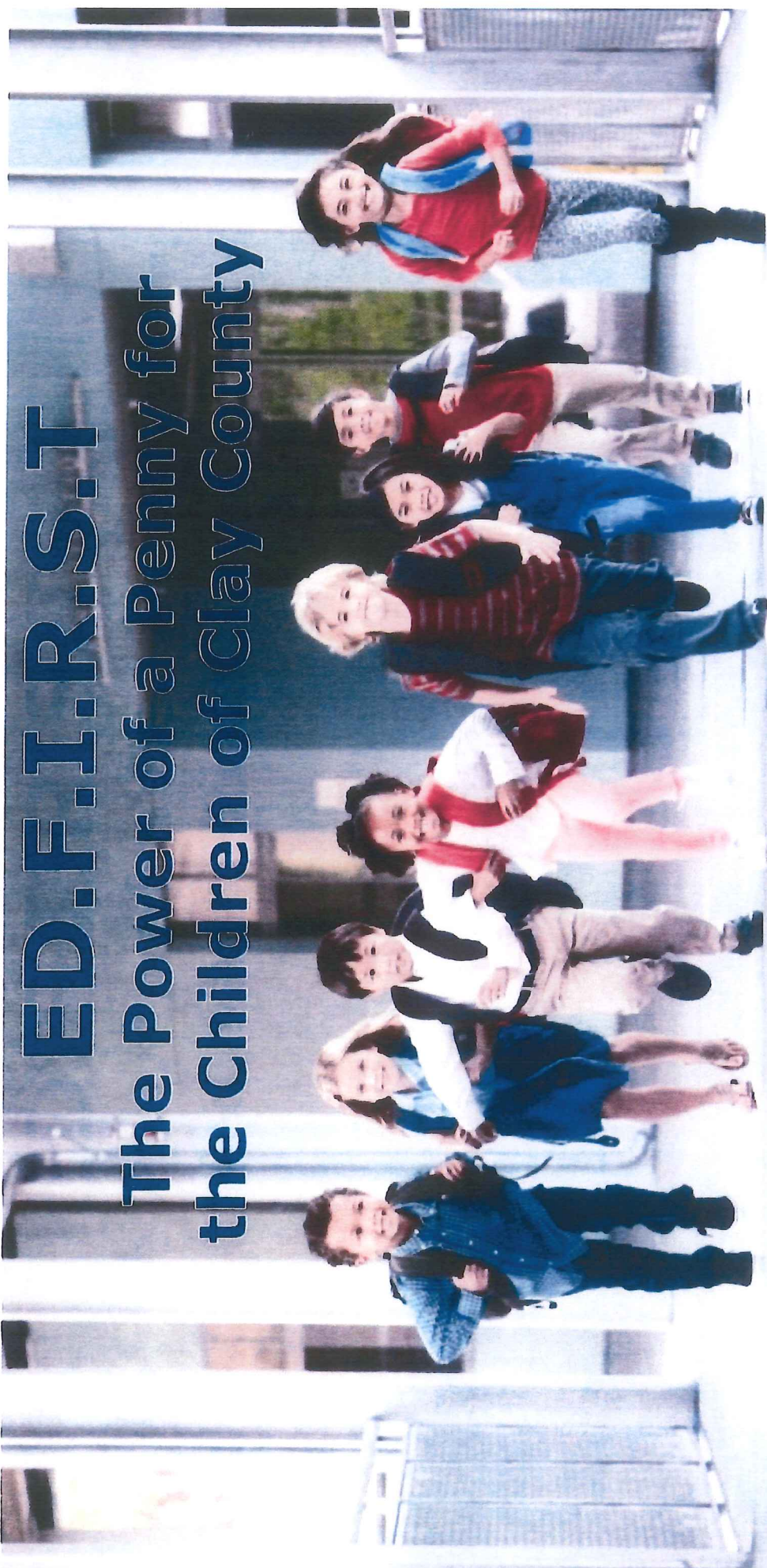
3. A citizen advisory committee consisting of Clay County citizens appointed by the School Board shall monitor and advise the School Board on the expenditure of the surtax proceeds.

* * * * *

Exhibit
"B"

ED.F.I.R.S.T

The Power of a Penny for the Children of Clay County



Addison G. Davis, Superintendent of Schools
Dr. Michael Kemp, Assistant Superintendent of Operations



Current Financial Need to ELEVATE Clay!

Districtwide need to Elevate
CCDS with Relevant Facilities

Revenue from
Half Cent Effort

CURRENT FACILITIES NEED
\$318,293,650.00
\$300,000,000.00
NEW GROWTH - 7 SCHOOLS

VS. \$403,929,990.00 (30 YR)

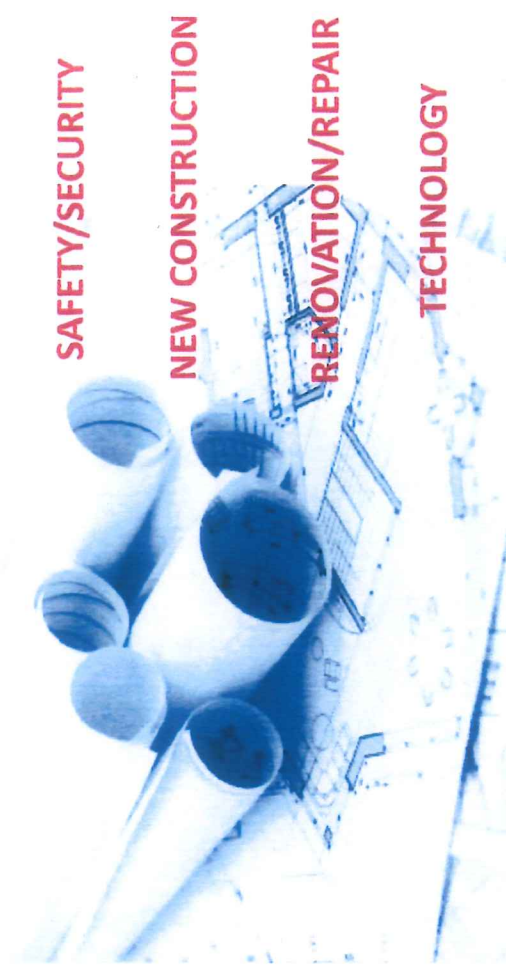
NOTE: PROPOSED REVENUE STREAM IS LESS THAN THE \$618,293,650.00 NEEDED!
DECADES OF DEFERRED MAINTENANCE HAS COMPOUNDED THE NEED





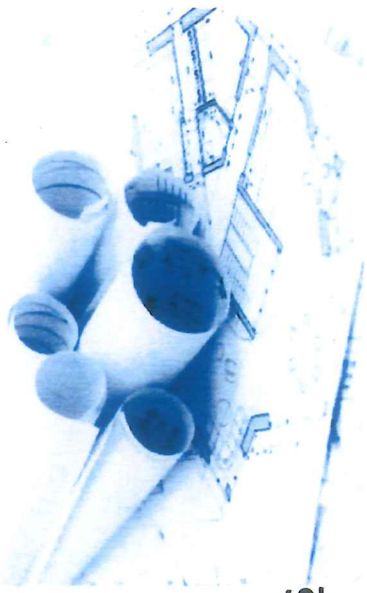
Proposed Projects

- Safety/Security Upgrades
- Capital Improvements- Permanent Classroom Additions
- New Growth Construction – 7 NEW SCHOOLS
- Classroom Technology Improvements
- Energy Efficiency Improvements
- Building Envelope Improvements
- Mechanical- HVAC/Control Upgrades
- Plumbing Upgrades
- Food and Nutrition Service Upgrades
- Educational Program Improvements
- Classroom Furniture Replacement
- Transportation Facility Upgrade
- Centralized District Services Facility





New Schools NEEDED – 7 Projected!



➤ **IMMEDIATE NEED (Growth) – 2 YEARS**

- 1 Elementary (Lake Asbury) School “R” - CR 315 Property
- 1 Elementary (Tynes) School “A” - Two Creeks Property

➤ **IMMEDIATE NEED (Growth and Portable Reduction) 2-5 YEARS**

- 1 K-8 (K-6/7-8 Config.) Fleming Island - Old Hard Road
- 1 K-8 (K-6/7-8 Config.) Green Cove JH

- 1 K-6 Keystone Heights – new elementary on McDavid Park Property; and Renovate KHE to become KH Junior High

➤ **IMMEDIATE NEED (Growth – South 17) 5-10 YEARS**

- 1 Elementary (South 17)
- 1 High School! (South 17)

