

A RESOLUTION OF THE SCHOOL BOARD OF CLAY COUNTY, FLORIDA, ORDERING AND PROVIDING FOR THE HOLDING OF A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS OF THE SCHOOL DISTRICT OF CLAY COUNTY, FLORIDA, APPROVE CONTINUING THE LEVY OF 0.25 MILLS FOR CRITICAL OPERATING NEEDS; DIRECTING THE CLAY COUNTY COMMISSIONERS TO PLACE THIS MEASURE ON THE BALLOT FOR THE NOVEMBER 2, 2010 GENERAL ELECTION; 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 Clay County, Florida (“Board”), acting as the governing body of the School District of Clay County, Florida (“District”), as follows:

SECTION 1: AUTHORITY FOR RESOLUTION. This Resolution is adopted pursuant to Section 1011.71(3)(b), Florida Statutes, 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 the School District of Clay County, currently recognized revenue losses from the 2007-2008 fiscal year to the 2009-2010 fiscal year are equivalent to a per pupil decrease of more than seven (7) percent in total funding, and a decline of \$24.2 million in state revenues, and additional reductions are anticipated for the 2010-2011 and subsequent fiscal years.

C. As authorized by Section 1011.71(3)(b), Florida Statutes, as amended by Ch. 2009-59, § 33, at 35, Laws of Fla., this Board determined, by a super majority vote, to levy an additional 0.25 mills for critical operating needs of the District (“Critical Needs Millage”) for the 2009-2010 fiscal year in an effort to preserve critical operations of the District while enduring declining state revenues.

D. This Board has also expressed its intent to levy the Critical Needs Millage for the 2010-2011 fiscal year, again endeavoring to preserve critical operations of the District while enduring declining state revenues.

E. Section 1011.71(3)(b), Florida Statutes, as amended by C.S./H.B. 5101, Reg. Sess. § 30 (Fla. 2010), provides that in order to be continued after the 2010-2011 fiscal year, the Critical Needs Millage must be approved by the voters of the District at the 2010 general election, for a period not in excess of two (2) years or until changed by another millage election, whichever is earlier.

F. Subject to approval by the electors of the District at a referendum held as provided in Section 1011.71(3)(b), Florida Statutes, as amended by C.S./H.B. 5101, Reg. Sess. § 30 (Fla. 2010), the Critical Needs Millage shall be levied for critical operating needs of the District for the 2011-2012 and 2012-2013 fiscal years.

G. The Commissioners of Clay County, Florida are hereby directed to place this measure on the ballot for the November 2, 2010 general election.

SECTION 3: CONTINUING LEVY OF CRITICAL NEEDS MILLAGE. Subject to approval by the electors of the District at a referendum held as provided in Section 1011.71(3)(b), Florida Statutes, as amended by C.S./H.B. 5101, Reg. Sess. § 30 (Fla. 2010), an additional 0.25 mills shall continue to be levied within Clay County for critical operating needs of the District for the 2011-2012 and 2012-2013 fiscal years in an effort to preserve critical operations of the District while enduring declining state revenues.

SECTION 4: REFERENDUM ELECTION ORDERED. A referendum election is hereby ordered to be held in the District on November 2, 2010, to determine whether or not an additional 0.25 mills shall continue to be levied within Clay County for critical operating needs of the District for the 2011-2012 and 2012-2013 fiscal years.

SECTION 5: 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 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 6: 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 Clay County in accordance with law.

SECTION 7: OFFICIAL BALLOT. The ballots to be used in the referendum election shall contain a statement relating to continuing the levy of 0.25 mills for critical operating needs of the District for the 2011-2012 and 2012-2013 fiscal years, and shall be in substantially the following form:

OFFICIAL BALLOT

School District of Clay County, Florida
Referendum Election – November 2, 2010

REFERENDUM REGARDING CONTINUING FOR TWO YEARS
THE 0.25 MILLS LEVY FOR CRITICAL OPERATING
NEEDS OF THE SCHOOL DISTRICT

Shall the 0.25 mills currently levied in the School District of Clay County for critical operating needs of the School District be continued for the 2011-2012 and 2012-2013 fiscal years?

___ YES

___ NO

SECTION 8: 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 9: EARLY VOTING. Adequate provision shall be made for early voting, to begin 15 days before the referendum election and end on the third day 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 10: PRINTING OF BALLOTS. The Supervisor of Elections of Clay County is authorized and directed to have printed on plain white paper a sufficient number of the ballots for use of absentee electors and early voters entitled to cast ballots in the referendum election; to have printed sample ballots and deliver the sample ballots to the inspectors and clerks on or before the date and time for opening of the polls for the referendum election; and to make appropriate arrangements for the conduct of 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 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 12: 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 13: REPEALING CLAUSE. All Resolutions in conflict or inconsistent with this Resolution are repealed insofar as there is conflict or inconsistency.

SECTION 14: EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

* * *

ADOPTED at a Regular Meeting of the School Board of Clay County, Florida, the ____ day of _____, 2010, with a quorum present and voting.

SCHOOL BOARD OF CLAY COUNTY, FLORIDA

[SEAL]

By: _____
Lisa Graham, Chairman

ATTEST:

BEN H. WORTHAM, Superintendent of
Schools and Ex-Officio Secretary to the
School Board of Clay County, Florida

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

J. BRUCE BICKNER, Attorney for the
School Board of Clay County, Florida

EXHIBIT A

**NOTICE OF REFERENDUM ELECTION IN THE SCHOOL DISTRICT
OF CLAY 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 Clay County, Florida, for the purpose of determining whether or not the electors in the School District approve continuing the levy of 0.25 mills for critical operating needs of the District for the 2011-2012 and 2012-2013 fiscal years; all as more specifically described and provided in a Resolution of the School Board of Clay 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 15 days before the referendum election and end on the second day 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.

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F. Subject to approval by the electors of the District at a referendum held as provided in Section 1011.71(3)(b), Florida Statutes, as amended by C.S./H.B. 5101, Reg. Sess. § 30 (Fla. 2010), the Critical Needs Millage shall be levied for critical operating needs of the District for the 2011-2012 and 2012-2013 fiscal years.

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SECTION 5: 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 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.

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___ YES

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SECTION 12: 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 13: REPEALING CLAUSE. All Resolutions in conflict or inconsistent with this Resolution are repealed insofar as there is conflict or inconsistency.

SECTION 14: EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

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ADOPTED at a Regular Meeting of the School Board of Clay County, Florida, the ____ day of _____, 2010, with a quorum present and voting.

SCHOOL BOARD OF CLAY COUNTY, FLORIDA

[SEAL]

By: _____
Lisa Graham, Chairman

ATTEST:

BEN H. WORTHAM, Superintendent of
Schools and Ex-Officio Secretary to the
School Board of Clay County, Florida

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

J. BRUCE BICKNER, Attorney for the
School Board of Clay County, Florida