

Meeting Date
August 5, 2014



AGENDA	
Section	New Business
Item No.	V.D.1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Proposed Resolution Re: Calling a Special Election on November 4, 2014		
DEPT/OFFICE:	County Attorney's Office in behalf of attorney Harold Bistline, representing the District School Board		
Requested Action:	Adopt resolution calling a special election on the question as to whether the District School Board should be authorized to levy a one-half cent school outlay surtax for a period of six (6) years.		
Summary Explanation & Background:	<p>Additional documents and information will be provided by the District School Board on August 1, 2014 (after the July 31, 2014, District School Board meeting).</p> <p>By law, the County is required to call the special election in behalf of the School Board.</p>		
Exhibits Attached: Ballot language; letter from Harold Bistline; Resolution calling special election			
Contract /Agreement (If attached): Reviewed by County Attorney			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/> PR <input type="checkbox"/>
County Manager	Assistant County Manager, Mel Scott	County Attorney's Office	
Stockton Whitten	Assistant County Manager, Venetta Valdengo		



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

August 5, 2014

MEMORANDUM

TO: Scott Knox, County Attorney

RE: Item V.D.1., Resolution Calling for a Special Election on November 4, 2014, to Consider Whether the District School Board Should be Authorized to Levy a One-Half Cent School Outlay Surtax

The Board of County Commissioners, in regular session on August 5, 2014, adopted Resolution No. 14-126, calling for a special election on November 4, 2014, on the question as to whether the District School Board should be authorized to levy a one-half cent school outlay surtax for a period of six (6) years. Enclosed is a certified copy of the Resolution.

Your continued cooperation is greatly appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge

Tammy Etheridge, Deputy Clerk

Encl. (1)

cc: Supervisor of Elections

RESOLUTION 2014- 126

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A SPECIAL REFERENDUM ELECTION ON NOVEMBER 4, 2014, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ELECTORS IN THE SCHOOL DISTRICT APPROVE LEVYING A ONE-HALF CENT SCHOOL CAPITAL OUTLAY SURTAX ON SALES IN BREVARD COUNTY, FLORIDA, FOR SIX YEARS; BEGINNING JANUARY 1, 2015.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. AUTHORITY FOR RESOLUTION. This resolution is adopted pursuant to the authority of the Board under Chapter 125, Florida Statutes, and pursuant to the School Board request to call a referendum in behalf of the District School Board.

SECTION 2. FINDINGS. It is hereby found and determined as follows:

- A. See findings in the attached Resolution of the School Board of Brevard County, Florida;
- B. The general election to be held on November 4, 2014, is an appropriate and desirable date for the conduct of a concurrent special referendum election directed by the District School Board;
- C. All things required to be done prior to the calling of a special referendum election within the County for the purpose of determining whether or not the electors in the School District approve levying a one-half cent school capital outlay surtax on sales in Brevard County, Florida, for six (6) years have been done.

SECTION 3. SPECIAL REFERENDUM ELECTION. A special referendum election is hereby called and ordered to be held concurrently with the general election to be held on November 4, 2014, to determine whether or not the ballot issue set forth in the attached June 26, 2014, "Resolution Adopted by the School Board of Brevard County, Florida" shall be approved.

SECTION 4. NOTICE OF SPECIAL REFERENDUM ELECTION. This resolution shall be published by the School Board in the manner prescribed in the attached July 31, 2014, Resolution Adopted by the School Board of Brevard County, Florida.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting places on the date of such special referendum election during the hours prescribed by law. All qualified electors shall be entitled and permitted to vote as such special referendum election on the proposition provided below. The places of voting and the inspectors

and clerk for the special referendum election shall be those designated by the Supervisor of Elections of Brevard County.

SECTION 6. OFFICIAL BALLOT. The ballot language shall be that set for in the attached Exhibit A, which language was adopted by the District School Board in a June 26, 2014, Resolution of the School Board of Brevard County.

SECTION 7. PAYMENT OF SPECIAL REFERENDUM ELECTION ELECTIONS. The County Manager is hereby authorized and directed to approve and seek reimbursement from the School Board of Brevard County, Florida, for the payment of lawful expenses associated with conducting the special referendum election and the Clerk of the Board of County Commissioners is hereby authorized and directed to disburse funds necessary to pay such expenses.

SECTION 8. VOTER REGISTRATION BOOKS. The Supervisor of Elections for Brevard County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such special referendum election, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors.

SECTION 9. ELECTION ADMINISTRATION. The special referendum election shall be held and conducted in the manner prescribed by law and shall be as soon as practicable, be returned and canvassed in the manner prescribed by law. The result shall show the number of qualified electors who voted at such special referendum election and the number of votes cast respectively for and against approval of the amendments. Upon certification in the manner prescribed by law, the results shall be recorded in the minutes of the Board of County Commissioners.

SECTION 10. ELECTION RESULTS. If the majority of the votes cast at such a special referendum election shall be "Yes," the amendment shall pass.

SECTION 11. SEVERABILITY. 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, clause sentence or paragraph hereof.

SECTION 12. REPEALING CLAUSE. All resolutions or other actions of the County which are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency.

SECTION 13. EFFECTIVE DATE. This resolution shall take effect on the first day following its passage by the voters.


DONE AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this 5th day of August, 2014.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Mary Bolin Lewis, Chair man

As approved by the Board on August 5, 2014

RESOLUTION 2014-01

A RESOLUTION OF THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA, CALLING FOR A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS OF THE SCHOOL DISTRICT OF BREVARD COUNTY, FLORIDA, AUTHORIZE THE SCHOOL BOARD TO LEVY A ONE-HALF CENT SCHOOL CAPITAL OUTLAY SURTAX ON SALES IN BREVARD COUNTY, FLORIDA FOR CRITICAL SCHOOL FACILITIES RENEWAL, SCHOOL SECURITY AND TECHNOLOGY UPGRADES, 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 REFERENDUM ELECTION PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

BE IT RESOLVED by the School Board of Brevard County, Florida ("Board"), acting as the governing body of the School District of Brevard County, Florida ("District"), as follows:

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

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

- A. That the Board has experienced drastic funding reductions in recent years related to capital expenditures and fixed capital costs associated with the construction, renovation and renewal of school facilities and school sites; school security access control and funding for technology needs, including infrastructure, refreshment, acquisition, and implementation of hardware and software.
- B. That Section 212.055(6) of the Florida Statutes authorizes the levy of a one-half cent school capital outlay surtax for the purposes of funding school projects in capital outlay, school security and technology needs, upon approval by a majority vote of the electors of Brevard County. Proceeds will be used for critical improvements to school facilities, school security and technology needs.
- C. 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 6 years, commencing on January 1, 2015 and terminating on December 31, 2020 is necessary for the Board to provide sufficient funds to sustain \$1.8 Billion worth of facility assets with an average age of 41 years. These school capital outlay projects are identified in the Plan for Use of Sales Surtax Proceeds which is attached hereto and incorporated herein as Exhibit A.
- D. 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 shall be collected as authorized in the manner required by law.
- E. That to ensure proper fiscal stewardship of the Sales Surtax proceeds, an oversight committee comprised of independent citizens will be appointed by the School Board. Annual reporting of the status of projects funded utilizing these funds will be presented to the School Board and School Board Audit Committee and shall be available for public review.

SECTION 3 – PLAN FOR USE OF SALES SURTAX PROCEEDS: The proceeds of the School Capital Outlay sales surtax, as authorized by Section 212.055(6), Florida Statutes, shall be used to provide critical improvements to school facilities, school security and technology needs. These school capital outlay projects are identified in 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 District 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 District and the same is hereby levied for the period commencing January 1, 2015, and ending December 31, 2020, and shall be collected as authorized in the manner required by law.

SECTION 5 – REFERENDUM ELECTION ORDERED: The Board of County Commissioners in and for Brevard County, Florida is hereby requested to place the required referendum election on the ballot of the general election to be held on November 4, 2014.

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 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 B. This Resolution shall be published as a part of such notice.

SECTION 7 – PLACES OF VOTING, INSPECTORS AND CLERKS: The Brevard 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 Brevard County in accordance with law.

SECTION 8 – OFFICIAL BALLOT: The ballots to be used in the referendum election shall contain a statement relating to the authority of the School Board of Brevard County, Florida to levy of a one-half cent capital outlay surtax for the period of January 1, 2015 to December 31, 2020 and shall be in substantially the following form:

OFFICIAL BALLOT

**ONE-HALF CENT SALES SURTAX FOR CRITICAL SCHOOL FACILITIES RENEWAL,
SCHOOL SECURITY AND TECHNOLOGY UPGRADES**

Would you support the School Board levying a one-half cent surtax on sales in Brevard County, beginning 1/1/15, for a period of six years, to be used exclusively for critical school facility renewal projects, school security and technology upgrades? A needs-based prioritized list of projects has been published and expenditures will be monitored by an independent citizen oversight committee.

_____ FOR THE ONE-HALF CENT TAX

_____ AGAINST THE ONE-HALF CENT TAX

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

SECTION 10 – EARLY VOTING: Adequate provision shall be made for early voting, to run continuously from Saturday, October 25, through Saturday, November 1; including Sunday. Monday through Friday hours are 8:00 a.m. to 6:00 p.m. Weekend hours are 8:00 a.m. to 4:00 p.m. The form of ballots to be used in the referendum for early voting shall be the same as used in the polling places for the election.

SECTION 11 – PRINTING OF BALLOTS: The Supervisor of Elections of Brevard 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 12 – REFERENDUM ELECTION PROCEDURE: The Supervisor of Elections of Brevard 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 13 – 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 14 – REPEALING CLAUSE: All Resolutions in conflict or inconsistent with this Resolution are repealed insofar as there is conflict or inconsistency.


SECTION 15 – EFFECTIVE DATE: This Resolution shall take effect immediately upon its adoption.

* * *

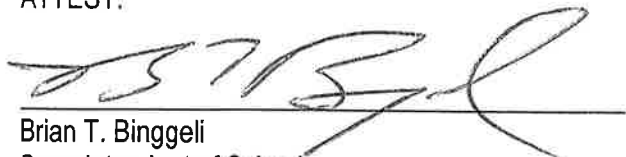
ADOPTED at a Special Meeting of the School Board of Brevard County, Florida, the 31st day of July, 2014, with a quorum present and voting.

SCHOOL BOARD OF BREVARD COUNTY, FLORIDA

[SEAL]

By: 
Karen Henderson
Chair

ATTEST:


Brian T. Binggeli
Superintendent of Schools
and Ex Officio Secretary to the
School Board of Brevard County, Florida

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Harold Bistline
Attorney
School Board of Brevard County, Florida

SCHOOL BOARD OF BREVARD COUNTY, FLORIDA


By: 
Karen Henderson
Chair

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:
 - a. fixed capital expenditures or fixed capital costs associated with the renovation or renewal of school facilities and campuses which have a useful life expectancy of five or more years, including land improvement, design, and engineering costs related thereto,
 - b. additional access control systems for school security, and
 - c. providing for technology needs, including hardware and software, for various sites within the District.
2. Scope of the projects will be based on a detailed assessment of the facility condition and providing for a safe and appropriate learning environment.
3. Prioritization of the projects will be determined by application of objective criteria, including facility condition assessment, system criticality, grouping of projects for efficiency, and legislative requirements.
4. To ensure proper fiscal stewardship of the Sales Surtax proceeds, an oversight committee comprised of independent citizens will be appointed by the School Board. Annual reporting of the status of projects funded utilizing these funds will be presented to the School Board and School Board Audit Committee on an annual basis, and shall be available for public review.

EXHIBIT B

**NOTICE OF REFERENDUM ELECTION IN THE SCHOOL DISTRICT OF BREVARD COUNTY,
FLORIDA ON NOVEMBER 4, 2014**

NOTICE IS HEREBY GIVEN THAT A REFERENDUM ELECTION will be held on November 4, 2014, in the School District of Brevard County, Florida, for the purpose of determining whether or not the electors in the School District approve levying a one-half cent school capital outlay surtax on sales in Brevard County, Florida, for a period of 6 years, as specifically described and provided in a Resolution of the School Board of Brevard County, Florida, adopted July 31, 2014, 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 run continuously from Saturday, October 25, through Saturday, November 1, including Sunday, with Monday through Friday hours from 8:00 a.m. to 6:00 p.m. and weekend hours from 8:00 a.m. to 4:00 p.m., 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 BREVARD COUNTY, FLORIDA

By: 

Karen Henderson
Chair

LAW OFFICES OF
STROMIRE, BISTLINE & MINICLIER

AN ASSOCIATION OF PROFESSIONAL ASSOCIATIONS

1037 PATHFINDER WAY
SUITE #150
ROCKLEDGE, FLORIDA 32955

HAROLD T. BISTLINE, P.A.
JOSEPH E. MINICLIER, P.A.

LEON STROMIRE
1931-2001

E-MAIL: sbmmglaw@aol.com

FAX: (321) 636-1170
PHONE: (321) 639-0505

August 1, 2014

VIA HAND DELIVERY

Mr. Scott Knox
Brevard County Attorney
2725 Judge Fran Jamieson Way
Viera, FL 32940

**RE: Brevard County School District
School Capital Outlay Sales Surtax**

Dear Mr. Knox:

Enclosed are the following:

- A. Copy of Resolution 2014-01 adopted by the School Board of Brevard County on July 31, 2014.
- B. Copy of Agenda of July 31, 2014, Special Meeting of the School Board of Brevard County. Adoption of the Resolution is Item F.8.

The Resolution was adopted pursuant to Section 212.055(6), Florida Statutes, and requests the Brevard County Board of County Commissioners to call on election on the issue at the November 4, 2014, general election pursuant to Section 212.055(6)(b), Florida Statutes.

Thank you for placing this item on the County Commission's August 5, 2014, meeting agenda for action. I will attend the meeting and look forward to seeing you there.

Very truly yours,



Harold T. Bistline
School Board Attorney

HTB/pc
Enclosures

cc: School Board Members
Dr. Brian T. Binggeli, Superintendent
Judy Preston, Associate Superintendent, Financial Services
Honorable Lori Scott, Brevard County Supervisor of Elections

RECEIVED

JUL 22 2014

Brevard County Attorney

LAW OFFICES OF
STROMIRE, BISTLINE & MINICLIER
AN ASSOCIATION OF PROFESSIONAL ASSOCIATIONS

1037 PATHFINDER WAY
SUITE #150
ROCKLEDGE, FLORIDA 32955

HAROLD T. BISTLINE, P.A.
JOSEPH E. MINICLIER, P.A.

July 22, 2014

E-MAIL: sbmmglaw@aol.com

FAX: (321) 636-1170
PHONE: (321) 639-0505

LEON STROMIRE
1931-2001

VIA HAND DELIVERY

Mr. Scott Knox
Brevard County Attorney
2725 Judge Fran Jamieson Way
Viera, FL 32940

**RE: Brevard County School District
School Capital Outlay Surtax**

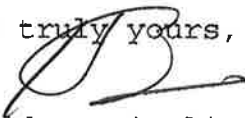
Dear Mr. Knox:

The School Board of Brevard County voted at its June 26, 2014, meeting to adopt the attached ballot language directing the holding of a referendum election to determine if the electors of the Brevard County School District will authorize the School Board to levy a one-half cent school outlay surtax for a period of six (6) years.

The ballot language was adopted pursuant to Section 212.055(6), Florida Statutes, and requests the Brevard County Board of County Commissioners to call an election on the issue at the November 4, 2014, general election pursuant to Section 212.055(6)(b), Florida Statutes. The language for the November 4, 2014, ballot is set forth in the Brevard County School Board June 26, 2014, meeting agenda attached as Exhibit "A".

Please place this item on the County Commission's August 5, 2014, meeting agenda for action. By copy of this letter I am informing the Office of the Brevard County Supervisor of Elections of the foregoing. Thank you for your assistance and please contact me should there be any questions.

Very truly yours,


Harold T. Bistline
School Board Attorney
HTB/pc
Enclosures

cc: School Board Members
Dr. Brian T. Binggeli, Superintendent
Judy Preston, Associate Superintendent, Financial Services
Honorable Lori Scott, Brevard County Supervisor of Elections



e-Agenda

**06-26-2014 Special School Board Meeting
Agenda Item #8**

Title

Official Ballot Language

Discussion

Recommendation

Approve the official ballot language for the one-half cent sales surtax:

**OFFICIAL BALLOT
ONE-HALF CENT SALES SURTAX FOR CRITICAL SCHOOL FACILITIES
RENEWAL,
SCHOOL SECURITY AND TECHNOLOGY UPGRADES**

Would you support the School Board levying a one-half cent surtax on sales in Brevard County, beginning 1/1/15, for a period of six years, to be used exclusively for critical school facility renewal projects, school security and technology upgrades? A needs-based prioritized list of projects has been published and expenditures will be monitored by an independent citizen oversight committee.

_____ FOR THE ONE-HALF CENT TAX
_____ AGAINST THE ONE-HALF CENT TAX

Meeting Date(s)

Information - 5/27/2014
Consent after Information 6/26/2014

Authority for Action

FS 1001.42

Involves Expenditure of Funds Directly in the Classroom

No

Source of Funding

Agenda Item will not Require the Expenditure of Funds

FY	Amount	Budgeted	Fund	Cost Center	Project	Function	Object	Program
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Contact

Pam Escobar, Administrative Assistant to the School Board, ext. 412

Exhibit "A"