



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.16.

5/26/2022

Subject:

Proposed Resolution re: School Board of Brevard County Referendum Election for a 4 Year Ad Valorem Tax Millage Increase for School Operations

Fiscal Impact:

None

Dept/Office:

County Attorney's Office on behalf of attorney Paul Gibbs, representing the Brevard County School Board

Requested Action:

It is requested that the Board of County Commissioners adopt the County Resolution re: School Board of Brevard County referendum election for a four year ad valorem tax millage increase for school operations

Summary Explanation and Background:

Florida Statutes 1011.73(2) authorizes the School Board to "direct the county commissioners to call an election at which the electors within the school district may approve an ad valorem tax millage as authorized under Fla. Stat. 1011.71(9)". The County Commission is to verify receipt and satisfaction of the passage of a resolution calling for an ad valorem tax millage election. Upon verification that the School Board has satisfied its obligations the County Commission is to direct the Supervisor of Elections to place the ad valorem tax millage on the ballot. The County Commission is not voting on the School Board resolution, or that it supports the measure, only that the School Board has met its obligations under the law to have millage measure placed on the ballot for consideration by the electors of the school district.

Clerk to the Board Instructions:



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

Telephone: (321) 637-2001
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Kimberly.Powell@brevardclerk.us

May 27, 2022

M E M O R A N D U M

TO: Abigail Jorandby, County Attorney

RE: Item F.16., Proposed Resolution for School Board of Brevard County Referendum Election for a Four Year Ad Valorem Tax Millage Increase for School Operations

The Board of County Commissioners, in regular session on May 26, 2022, adopted Resolution No. 22-055, calling a referendum election on November 8, 2022, for the purpose of determining whether or not the electors of the School District authorize an Ad Valorem tax millage increase by one mill for a period of four years, to be used for school operations. Enclosed is a fully-executed Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

for Donna Scott
Kimberly Powell, Clerk to the Board

/pp

Encl. (1)

cc: Each Commissioner
County Manager

RESOLUTION 2022 - 055

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, CALLING A REFERENDUM ELECTION ON NOVEMBER 8, 2022, FOR THE PURPOSE OF DETERMINING WHETHER OR NOT THE ELECTORS OF THE SCHOOL DISTRICT AUTHORIZE AN AD VALOREM TAX MILLAGE INCREASE BY ONE (1.0) MILL FOR A PERIOD OF FOUR (4) YEARS, TO BE USED FOR SCHOOL OPERATIONS.

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's request to call a referendum on behalf of the District School Board.

SECTION 2. FINDINGS. It is hereby found and determined that:

A. See the findings adopted by the School Board of Brevard County, Florida in the attached Resolution 2022-01 dated April 26, 2022.

B. The general election to be held on November 8, 2022, is an appropriate and desirable date for the referendum election directed by the District School Board.

C. All requirements of the School Board for calling of the referendum election within the County for the purpose of determining whether or not the electors in the School District authorize an increase of the ad valorem tax millage by one (1.0) mill, limited to operating expenses of the School District in Brevard County, Florida, for four (4) years have been satisfied.

SECTION 3. REFERENDUM ELECTION. A referendum election is hereby called and ordered to be held concurrently with the general election to be held on November 8, 2022, to determine whether or not the ballot issue set forth in the attached Resolution 2022-01 adopted by the School Board of Brevard County, Florida on April 26, 2022, shall be approved.

SECTION 4. NOTICE OF REFERENDUM ELECTION. This Resolution shall be published by the School Board in the manner prescribed in the attached Resolution 2022-01 adopted by the School Board of Brevard County, Florida on April 26, 2022.

SECTION 5. PLACES OF VOTING, INSPECTORS, CLERKS. The polls will be open at the voting placed on the dated of such referendum election during the hours

prescribed by law. All qualified electors shall be entitled and permitted to vote as such referendum election on the proposition provided below. The places of voting and the inspectors and clerk for the 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 Resolution 2022-01 adopted by the School Board of Brevard County on April 26, 2022.

SECTION 7. PAYMENT OF 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 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 referendum election, applicable portions of the registration books or certified copies there of showing the names of the qualified electors.

SECTION 9. ELECTION ADMINISTRATION. The 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 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 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 upon adoption by the Board.

ATTEST:

Rachel M. Sadoff, Clerk

BY:

Kristine Zonka, Chair

Reviewed for legal form and content:

EXHIBIT "A"

NOTICE OF REFERENDUM ELECTION

Pursuant to the provisions of Resolution 2022-__ adopted by the Brevard County Board of County Commissioners, at the direction of the School Board of Brevard County, Florida, as authorized by law, notice is hereby given that a referendum election shall be held for the purpose of determining whether or not the electors in the School District authorize an ad valorem tax millage increase by one (1.0) mill in Brevard County, Florida, for four (4) years.

The referendum election shall be held on November 8, 2022, at which the questions described in the Resolution 2022-01 adopted by the School Board of Brevard County, Florida, on April 26, 2022, set forth below as part of Resolution number 2022-__ adopted at the direction of the School Board by the County Commission on the 26th day of May, 2022, shall be submitted to the electors.

[RECITE BOARD OF COUNTY COMMISSIONERS RESOLUTION AND SCHOOL BOARD RESOLUTION ATTACHED TO THE COUNTY COMMISSION RESOLUTION]

RESOLUTION 2022-01

A RESOLUTION OF THE SCHOOL BOARD OF BREVARD COUNTY, FLORIDA, DIRECTING THE BREVARD COUNTY COMMISSION TO CALL A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS OF THE SCHOOL DISTRICT OF BREVARD COUNTY, FLORIDA, APPROVE AN ADDITIONAL AD VALOREM TAX MILLAGE FOR FOUR YEARS TO BE USED FOR SCHOOL OPERATIONS TO INCLUDE MAINTAINING A HIGH QUALITY WORKFORCE THROUGH COMPETITIVE COMPENSATION FOR TEACHERS AND STAFF TO ENSURE STUDENT ACHIEVEMENT; PROVIDING FOR NOTICE OF THE REFERENDUM ELECTION; PROVIDING FOR APPROVAL OF THE REFERENDUM QUESTION AND BALLOT TITLE.

WHEREAS, the School Board of Brevard County, Florida (the "Board") acts as the governing body of the School District of Brevard County, Florida (the "District"), and,

WHEREAS, the Board is charged with operating public schools within Brevard County, Florida, and,

WHEREAS, the Board has a primary goal to continue elevating student achievement for students attending its public schools, and,

WHEREAS, the education funds available to the Board through the Florida Educational Finance Program funding formula do not provide all of the resources to sustain essential educational programs and opportunities that prepare its public school students for the future they deserve, and,

WHEREAS, the Florida Educational Finance Program flat funding, inflationary costs, and state unfunded mandates have resulted in over \$38 million in operating budget reductions, limiting the Board's ability to consistently provide competitive wage increases to its employees, and,

WHEREAS, the national teacher shortage and an alarming increase in the number of resignations and retirements have created a large vacancy rate in Brevard Public Schools, and,

WHEREAS, Brevard Public Schools is 2nd in the state in the percent of the most experienced teachers, providing a high level of instructional expertise to public school students, and,

WHEREAS, the recent increase in state categorical funding for raising the minimum teacher salary and required minimum wage increase has resulted in significant disparity (also known as wage compression) among experienced teachers/employees making the same or similar salaries as beginning teachers/employees, for Brevard Public Schools' most experienced educators and staff, and,

WHEREAS, Brevard's average teacher salary is below the state average, including below the average teacher salaries in Orange County Schools, Seminole County Schools, and Indian River County Schools, and,

WHEREAS, the Board has concluded that a significant increase in teacher compensation, particularly for experienced teachers, is critical to recruiting and sustaining a highly qualified faculty work force, and,

WHEREAS, the Board further faces a shortage of various support services positions, primarily due to pay significantly lower than the private sector for similar services, and,

WHEREAS, the Board is aware that voters in 20 school districts in Florida have been asked to approve a similar millage increase and did in fact, approve additional millage for school operations, creating a competitive advantage for them, and,

WHEREAS, other school districts with a voter approved additional millage have used the additional revenue generated by increased millage to increase compensation for teachers and staff, maintain and/or expand academic programs, including Career and Technical Education (CTE) and Science, Technology, Engineering and Mathematics (STEM) programs, to hire additional personnel such as teachers and school support staff, and,

WHEREAS, by improving pay for talented and experienced teachers, schools will be able to better retain their best teachers while students directly benefit from having a well-trained and experienced teacher in their classroom, and,

WHEREAS, dedicated state funding sources exist for many other instructional needs, but there is no specific funding source for the arts and athletics, and,

WHEREAS, the Board intends that the revenue generated by the additional millage for operational purposes shall be used to recruit and retain instructional and support staff personnel including teachers, support staff, administrators, to make its compensation more competitive with surrounding counties, and,

WHEREAS, the Board further intends to use some of the revenue generated by the additional millage to expand staffing in early childhood education programs, maintaining and expanding Career and Technical Education (CTE) programs for students, to enhance art, music and athletic programs, to expand access to educational programs and launch the modernization of classroom technology learning environments, and,

WHEREAS, the funds raised by the additional one (1) mill will be proportionately shared with public charter schools based upon student enrollment, pursuant to Section 1011.71(9), Florida Statutes, and,

WHEREAS, an oversight committee comprised of independent citizens will be appointed by the School Board. Annual reporting of the status of funded priorities (expenditures) will be presented to the School Board and must be available for public review, and,

WHEREAS, a high-quality education system benefits all residents of Brevard County, regardless of whether they have children in school, and,

WHEREAS, Section 1011.73(2), Florida Statutes (2021), authorizes the qualified electors of Brevard County to vote on an additional millage for operational purposes, and,

WHEREAS, the Board finds it is in the best interest of the students in public schools that the qualified electors be given the opportunity to approve additional millage for school operations.

NOW, THEREFORE, BE IT RESOLVED by the School Board of Brevard County, Florida, in a public meeting duly called and assembled:

1. **REFERENDUM ELECTION ORDERED:** That pursuant to Section 1011.73(2), Florida Statutes (2021) the Board of County Commissioners in and for Brevard County, Florida, is hereby directed to place the required referendum election on the ballot of the general election to be held on November 8, 2022, for the qualified electors of Brevard County Public Schools to vote whether to increase an ad valorem millage by one (1.0) mill for a period of four (4) years. The additional millage shall be limited to operating expenses of the School District as described in this resolution.
2. **OFFICIAL BALLOT:** The substance of the millage referendum question and the ballot title shall read as follows:

AD VALOREM MILLAGE TO INCREASE TEACHER PAY AND OTHER PURPOSES

For increasing teacher and staff pay, funding for technical training for students, and other similar purposes, shall the School District of Brevard County authorize a one mill ad valorem millage for four years to ensure student achievement, recruit and retain teachers and staff with competitive salaries, and distribute funds as statute requires to charter schools based on their proportionate share of district enrollment, with all expenditures to be reviewed by an independent Citizens' Oversight Committee.

_____ YES - FOR ADDITIONAL MILLAGE

_____ NO - AGAINST ADDITIONAL MILLAGE

ADOPTED at a Meeting of the School Board of Brevard County, Florida the 26th day of April 2022, with a quorum present and voting.

SCHOOL BOARD OF BREVARD COUNTY, FLORIDA

By: Misty Belford
Misty Belford, Board Chair

EXHIBIT A

PLAN FOR USE OF AD VALOREM MILLAGE PROCEEDS

- 1.** Pursuant to Section 1011.73(2), Florida Statutes, operational expenses to be funded by proceeds of the Millage shall be for:
 - a.** Teacher and staff compensation and/or benefits
 - b.** District-wide financial supplements for additional duties such as: Athletic Coaches, Teacher Mentors, Academic Team Sponsors, etc.
 - c.** Career and Technical Education and Academic Programs, Supplies and Staff
 - d.** Early Childhood Instructional Support Staff
 - e.** Athletic Programs, Supplies and Fees
 - f.** Performing Arts Programs, Supplies and Staff
 - g.** Classroom Technology – Launch of the “Classrooms of the Future” initiative
- 2.** To ensure proper fiscal stewardship of the Millage proceeds, an oversight committee comprised of independent citizens will be appointed by the School Board. Annual reporting of the status of projects funded (expenditures) utilizing these funds will be presented to the School Board and shall be available for public review.