

REVISED

Agenda Item #:

6A-1

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: 8/17/2010

Consent Regular
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: School Board of Palm Beach County, Florida

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a resolution calling for a referendum to be held on November 2, 2010 for the purpose of submitting to the duly qualified electors of Palm Beach County, Florida a question regarding the School Board of Palm Beach County, Florida's authority to continue an annual levy of 0.25 mills for school operational purposes for the next four fiscal years beginning July 1, 2011 and ending June 30, 2015; providing for notice of election; providing for an official ballot; providing for absentee voting and early voting; providing for referendum results; providing for severability and providing an effective date.

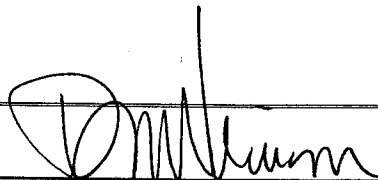
Summary: Section 1011.71, Florida Statutes, permitted the School Board, by super majority vote, to levy an annual .25 mills for school operational purposes. That statute requires a referendum to be held before that .25 mills levy may be extended. The School Board adopted a resolution on July 21, 2010 requesting that this referendum be held on November 2, 2010. Adoption of this resolution will allow the referendum to be held. Countywide (PFK)

Continued on Page 3

Attachments:

- 1. Resolution

Recommended by: _____



County Attorney
N/A

8/3/10

Date

Approved by: _____

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2010	2011	2012	2013	2014
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No X

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

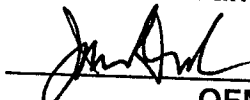
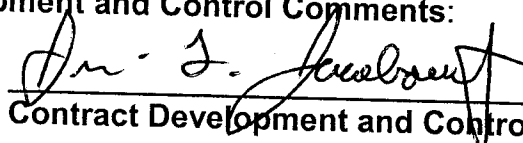
Reporting Category _____

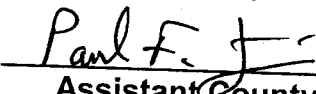
B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: Cost of publication of referendum to be paid by the School Board.

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 OFMB *8/3/10*
 *8/5/10*
 Contract Development and Control

B. Legal Sufficiency: *8/3/10*
 *8/3/10*
 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

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Background continued:

Background and Policy Issues: Subject to approval by the duly qualified electors of Palm Beach County at a referendum held as provided in Section 1011.73(2), Florida Statutes, the School Board has the authority to continue a levy of 0.25 mills for school operational purposes of the School District for the 2011-2012, 2012-2013, 2013-2014 and 2014-2015 fiscal years in an effort to preserve school operational needs of the School District. The School Board has adopted a Resolution making the findings above and has requested the Board of County Commissioners to authorize the referendum referenced in that School Board Resolution.

RESOLUTION NO. R-2010-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD ON NOVEMBER 2, 2010 FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF PALM BEACH COUNTY, FLORIDA A QUESTION REGARDING THE SCHOOL BOARD PALM BEACH COUNTY, FLORIDA'S AUTHORITY TO CONTINUE AN ANNUAL LEVY OF 0.25 MILLS FOR SCHOOL OPERATIONAL PURPOSES FOR THE NEXT FOUR FISCAL YEARS BEGINNING JULY 1, 2011 AND ENDING JUNE 30, 2015; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR AN OFFICIAL BALLOT; PROVIDING FOR ABSENTEE VOTING AND EARLY VOTING; PROVIDING FOR REFERENDUM RESULTS; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, all School Boards in the State of Florida, including the School Board of Palm Beach County, Florida (the "School Board"), have experienced drastic funding reductions in recent years while operating expenses continue to rise; and

WHEREAS, the School District of Palm Beach County (the "School District"), currently recognized revenue losses from the 2007-2008 fiscal year to the 2009-2010 fiscal year equivalent to a per pupil decrease of more than 6.8 percent in total funding, and a decline of \$83.5 million in state revenues, and additional reductions are anticipated for the 2010-2011 and subsequent fiscal years; and

WHEREAS, as authorized by Section 1011.71(3)(b), Florida Statutes, as amended by Ch. 2009-59, §33, at 35, Laws of Fla., the School Board determined, by an annual super majority vote, to levy an additional 0.25 mills for "Critical Needs Millage"

for the 2009-2010 fiscal year in an effort to preserve critical capital needs of the School district while enduring declining state revenues; and

WHEREAS, the School Board has also expressed its intent to levy the Critical Needs Millage for the 2010-2011 fiscal year, as authorized by Section 1011.71(3)(b), Florida Statutes, as amended by Ch. 2009-59, §33, at 35, Laws of Fla., to preserve critical operating needs of the School District while enduring declining state revenues; and

WHEREAS, subject to approval by the duly qualified electors of Palm Beach County at a referendum held as provided in Section 1011.73(2), Florida Statutes, the School Board has the authority to continue levy of 0.25 mills for school operational purposes of the School District for the 2011-2012, 2012-2013, 2013-2014 and 2014-2015 fiscal years in an effort to preserve school operational needs of the School District while enduring declining state revenues; and

WHEREAS, on July 21, 2010, the School Board adopted a Resolution making the findings above and requesting the Palm Beach County Board of County Commissioners (the "Board") to authorize the referendum referenced in that School Board Resolution; and

WHEREAS, the Board desires to satisfy the request of the School Board that this referendum shall be authorized.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. REFERENDUM; NOTICE OF ELECTION. The Board hereby calls a referendum to be held throughout Palm Beach County, Florida on November 2, 2010, for the purpose of submitting to the duly qualified electors of Palm Beach County the question set forth herein. The Board hereby approves the date for the referendum to be November 2, 2010 and directs the Supervisor of Elections of Palm Beach County to place on the ballot the statement(s) contained in the "Notice of Referendum Election" attached hereto as Exhibit "A," and to conduct said election pursuant to the provisions of the election laws of the State of Florida. Not less than thirty (30) days notice of said election shall be given by publication in a newspaper of general circulation throughout the School District. Such publication shall be made at least twice, once in the fifth week and once in the third week prior to the week of November 2, 2010 which notice shall be substantially in the form attached hereto as Exhibit "A" together with such additional information as the Supervisor of Elections of Palm Beach County shall require. Any reasonable costs associated with the publication of the Notice of Referendum Election shall be paid by the School Board.

SECTION 2. OFFICIAL BALLOT. The ballots to be used in the referendum election shall contain a statement relating to the authority of the School Board to continue levy of 0.25 mills for school operational purposes of the School District for the 2011-2012, 2012-2013, 2013-2014, and 2014-2015 fiscal years and shall be in substantially the following form:

OFFICIAL BALLOT

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

REFERENDUM REGARDING THE AUTHORITY OF THE SCHOOL BOARD TO CONTINUE LEVY FOR SCHOOL OPERATIONAL PURPOSES

Shall the School Board have the authority to continue the levy of 0.25 mills of ad valorem millage dedicated for school operational purposes- needs to fund teachers, as well as arts, music, physical education, career and academic programs for the fiscal years beginning July 1, 2011 and ending June 30, 2015, pursuant to s. 1011.73(2), Florida Statutes with oversight by an independent finance committee of citizens and experts?

_____ YES

_____ NO

SECTION 3. ABSENTEE VOTING; EARLY VOTING. Absentee and early electors participating in said referendum shall be entitled to cast their ballots in accordance with the provisions of the laws of the State of Florida with respect to absentee and early voting, which shall have printed thereon the question hereinabove set forth, with proper place for voting either "YES" or "NO" following the statement of the question aforesaid.

SECTION 4. REFERENDUM RESULTS. If a majority of the ballots cast at such elections shall be "YES", the School Board shall have the authority to continue levy of 0.25 mills for the 2011-2012, 2012-2013, 2013-2014, 2014-2015 fiscal years.

SECTION 5. 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 6. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Burt Aaronson, Chair	-
Commissioner Karen T. Marcus, Vice Chair	-
District 2	-
Commissioner Shelley Vana	-
Commissioner Steven L. Abrams	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2010.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____
County Attorney

EXHIBIT "A"

EXHIBIT "A"

NOTICE OF REFERENDUM ELECTION IN PALM BEACH COUNTY, FLORIDA, ON NOVEMBER 2, 2010

NOTICE IS HEREBY GIVEN THAT A REFERENDUM ELECTION has been called by the School Board of Palm Beach County, Florida and will be held from 7:00 A.M. until 7:00 P.M. on November 2, 2010, in Palm Beach County, Florida, at which time there shall be submitted to the duly qualified electors of Palm Beach County, Florida, as more specifically described and provided for in a Resolution of the School Board of Palm Beach County, Florida, adopted July 21, 2010, the following question published below:

REFERENDUM REGARDING THE AUTHORITY OF THE SCHOOL BOARD TO CONTINUE LEVY FOR SCHOOL OPERATIONAL PURPOSES TO CONTINUE AN AD VALOREM LEVY FOR SCHOOL OPERATIONAL NEEDS

Shall the School Board have the authority to continue the levy of 0.25 mills of ad valorem millage dedicated for school operational purposes- needs to fund teachers, as well as arts, music, physical education, career and academic programs for the fiscal years beginning July 1, 2011 and ending June 30, 2015, pursuant to s. 1011.73(2), Florida Statutes with oversight by an independent finance committee of citizens and experts?

_____ YES

_____ NO

SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

By: _____
Monroe Benaim, M.D., Chairman

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for the 2009-2010 fiscal year in an effort to preserve critical capital needs of the School district while enduring declining state revenues; and

WHEREAS, the School Board has also expressed its intent to levy the Critical Needs Millage for the 2010-2011 fiscal year, as authorized by Section 1011.71(3)(b), Florida Statutes, as amended by Ch. 2009-59, §33, at 35, Laws of Fla., to preserve critical operating needs of the School District while enduring declining state revenues; and

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_____ YES

_____ NO

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Commissioner Burt Aaronson, Chair	-
Commissioner Karen T. Marcus, Vice Chair	-
District 2	-
Commissioner Shelley Vana	-
Commissioner Steven L. Abrams	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chair thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2010.

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: Paul F. J.
County Attorney

EXHIBIT "A"

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NOVEMBER 2, 2010

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_____ YES

_____ NO

SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

By: _____
Monroe Benaim, M.D., Chairman