

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: May 3, 2022

Consent Regular
 Public Hearing

Department

Submitted By: County Attorney's Office

Submitted For: School Board of Palm Beach County, Florida

I. EXECUTIVE BRIEF

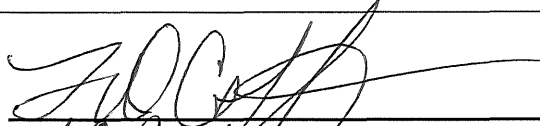

Motion and Title: Staff recommends motion to: adopt a resolution calling for a referendum to be held on November 8, 2022 for the purpose of submitting to the duly qualified electors of Palm Beach County, Florida a question regarding the School Board of Palm Beach County, Florida's authority to levy 1.00 mills for operational needs of Palm Beach County public schools for the next four fiscal years beginning July 1, 2023 and ending June 30, 2027; 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: On March 23, 2022, the School Board of Palm Beach County ("School Board") adopted a resolution directing the Board of County Commissioners ("BCC") to call an election for voters to decide if the School Board shall have the authority to levy 1.00 mills of ad valorem millage for operational needs of Palm Beach County public schools from July 1, 2023 to June 30, 2027. The ballots to be used in the referendum election shall contain the following statement: "Shall the Palm Beach County School Board have continued authority to levy 1.00 mills of ad valorem millage for operational needs of public schools dedicated to funding school safety; school police; mental health services; arts, music, physical education, career and choice program teachers; and improved teacher pay beginning July 1, 2023 and automatically ending June 30, 2027, with oversight of all funds by an independent committee of citizens and experts?" **The BCC's adoption of this resolution is in its ministerial capacity under Section 1011.73(2), and is statutorily required for the referendum to be held. Countywide (DB).**

Background and Justification: Section 1011.71(9), Florida Statutes, permits the School Board of Palm Beach County to levy, by referendum in a general election, additional millage for school operational purposes for a maximum of four years. Under Section 1011.73(2), such millage elections require that the School Board, pursuant to resolution adopted at a regular meeting, direct the county commissioners to call an election to approve the additional millage. On March 23, 2022, the School Board adopted a resolution directing the BCC to call an election to approve a 1.00 mills levy for operational needs of Palm Beach County public schools for the 2023-2024, 2024-2025, 2025-2026 and 2026-2027 school district fiscal years.

Attachments:

- 1. Resolution

Recommended by:  Date 4/15/2022
Approved by:  Date 4/21/22

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2022	2023	2024	2025	2026
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income(County)					
In-Kind Match(County)					
NET FISCAL IMPACT	-0-				
#ADDITIONAL FTE POSITIONS (CUMULATIVE)					

Is Item Included in Current Budget? Yes No
 Does this item include the use of federal funds? Yes No

Budget Account No:

Fund Agency Organization Object

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS:

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

[Signature] 3/31/22
 OFMB 3/31

[Signature] 4/15/22
 Contract Dev. & Control
 4-5-22 TW

B. Legal Sufficiency

[Signature] 4/6/22
 Assistant County Attorney
 For D. O'Leary

C. Other Department Review

 Department Director

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

RESOLUTION NO. R-2022-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD ON NOVEMBER 8, 2022 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 LEVY 1.00 MILLS FOR OPERATIONAL PURPOSES FOR THE NEXT FOUR FISCAL YEARS BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2027; 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, per student funding provided through the Florida Education Finance Program has not kept pace with inflation in comparison to the level of pre-recession funding in Fiscal Year 2008. Additionally, Florida's public school expenditures trail the nation by a widening margin since Fiscal Year 2007 falling from 36th in the country to 45th, as of the latest available National Center for Education Statistics data provided for FY2019.

WHEREAS, for the School District of Palm Beach County, Florida Education Finance Program revenue is equal to \$8,217.17 per pupil for 2021-2022 fiscal year, compared with \$10,029.83 needed to offset cost of inflation based on the Consumer Price Index since the start of 2007-2008 fiscal year. The diminished per pupil revenue equates to approximately \$334 million in unrealized annual revenue for the 2021-2022 fiscal year.

WHEREAS, as authorized by Section 1011.71(3)(b), Florida Statutes, as amended by Ch. 2009-59, §33, Laws of Fla., the School Board of Palm Beach County, Florida, (the "School Board") determined, by an annual super majority vote, to levy an additional 0.25 mills for critical operating needs of the District for the 2010-2011 fiscal year. Subsequently, with approval of the duly qualified electors of Palm Beach County, at a referendum held in November 2010 and again in November 2014, as provided in Section 1011.71(9), Florida Statutes, the Board continued to levy 0.25 mills for critical operating needs for the 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018 and 2018-2019 fiscal years and 1.00 mills in 2019-2020, 2020-

2021, 2021-2022, and 2022-2023.

WHEREAS, since 2010-2011, the 0.25 mills levied has generated an average of \$42 million in annual revenue that has been used to fund over 750 classroom teachers as of the 2021-22 school year. Since 2019-2020 the additional 0.75 mills has generated an average of \$161 million to fund mental health services; safety and security and increases to teacher salaries to help retain experienced teachers. An Independent Oversight Referendum Committee, comprised of independent citizens, reviews expenditures to ensure the proceeds are expended for teachers, art, music, physical education, career and academic programs; mental health services, safety and security and increases to teacher salaries as specified in the ballot approved by voters.

WHEREAS, the authority to levy 1.00 mills for critical operating needs expires at the end of the 2022-2023 fiscal year, and therefore the School Board must either (i) make severe cuts to its operating budget, including significant reductions to arts, music, physical education, career and academic programs, or (ii) seek approval of the electors to levy an additional millage for operational needs for a period of four additional years, commencing on July 1, 2023 and ending June 30, 2027, as authorized by Section 1011.71(9), Florida Statutes. Continuing the millage levy of 1.00 mills will provide additional revenue needed to address critical school operating needs including school safety; school police; mental health services; arts, music, physical education, career and choice program teachers; improving teacher pay and for operational needs of Palm Beach County public schools.

WHEREAS, pursuant to Section 1011.73(2), Florida Statutes, on March 23, 2022, the School Board adopted a Resolution (the "School Board Resolution") making the findings above and directing the Palm Beach County Board of County Commissioners (the "Board") to call the referendum referenced in that School Board Resolution; and

WHEREAS, the Board, in its ministerial capacity under Section 1011.73(2), Florida Statutes, shall call the referendum at the School Board's direction.

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 8, 2022, 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 8, 2022 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 8, 2022, 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. Pursuant to Section 1011.73(7), Florida Statutes, 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 levy 1.00 mills for operational purposes of Palm Beach County public schools 2023-2024, 2024-2025, 2025-2026 and 2026-2027 fiscal years and shall be in substantially the following form:

OFFICIAL BALLOT

**School District of Palm Beach County, Florida
Referendum Election – November 8, 2022**

**REFERENDUM TO CONTINUE AD VALOREM LEVY FOR SCHOOL SAFETY,
TEACHERS AND OPERATIONAL NEEDS**

Shall the Palm Beach County School Board have continued authority to levy 1.00 mills of ad valorem millage for operational needs of public schools dedicated to funding school safety; school police; mental health services; arts, music, physical education, career and choice program teachers; and improved teacher pay beginning July 1, 2023 and automatically ending June 30, 2027, with oversight of all funds by an independent 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 levy 1.00 mills for the 2023-2024, 2024-2025, 2025-2026 and 2026-2027 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 Robert S. Weinroth, Mayor	-
Commissioner Gregg K. Weiss, Vice Mayor	-
Commissioner Maria G. Marino	-
Commissioner Dave Kerner	-
Commissioner Maria Sachs	-
Commissioner Melissa McKinlay	-
Commissioner Mack Bernard	-

(THIS SPACE LEFT BLANK INTENTIONALLY)

The Mayor thereupon declared the Resolution duly passed and adopted this

_____ day of _____, 2022.

PALM BEACH COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF FLORIDA, BY AND THROUGH
ITS BOARD OF COUNTY COMMISSIONERS

JOSEPH ABRUZZO,
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

By: _____
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

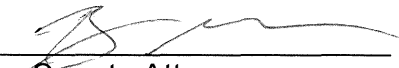
By: 
County Attorney

EXHIBIT "A"

**NOTICE OF REFERENDUM ELECTION IN PALM BEACH COUNTY, FLORIDA, ON
NOVEMBER 8, 2022**

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 8, 2022, 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 the Resolution of the School Board of Palm Beach County, Florida, adopted March 23, 2022, the following question published below.

**REFERENDUM TO CONTINUE AD VALOREM LEVY FOR SCHOOL SAFETY,
TEACHERS AND OPERATIONAL NEEDS**

Shall the Palm Beach County School Board have continued authority to levy 1.00 mills of ad valorem millage for operational needs of public schools dedicated to funding school safety; school police; mental health services; arts, music, physical education, career and choice program teachers; and improved teacher pay beginning July 1, 2023 and automatically ending June 30, 2027, with oversight of all funds by an independent committee of citizens and experts?

_____ YES
_____ NO

SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

By: _____
Frank A. Barbieri, Jr., Esq., Chairman