

RESOLUTION NO. ____ - 2011

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA DIRECTING THE SUPERVISOR OF ELECTIONS OF MONROE COUNTY, FLORIDA TO PLACE A REFERENDUM QUESTION CONCERNING WHETHER THE SCHOOL BOARD OF MONROE COUNTY SHOULD BE AUTHORIZED TO CONTINUE TO LEVY A .5 MILL AD VALOREM TAX ON THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION BALLOT TO BE HELD JANUARY 31, 2012.

WHEREAS, pursuant to Section 1011.73(2) and (3), Florida Statutes, the School Board of Monroe County, Florida, in *Resolution No. 773, Version 2-2011* adopted October 11, 2011 (copy attached as Exhibit A), has requested that the Board of County Commissioners direct the Supervisor of Elections to place a referendum question concerning whether the School Board of Monroe County should be authorized to continue to levy a .5 mill ad valorem tax on the January 31, 2012 Presidential Preference Primary Election Ballot;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:

Section 1: Pursuant to Sec. 1011.73(2)(3) and (4)(a)(b), Florida Statutes, the Supervisor of Elections of Monroe County, Florida is hereby directed to place on the ballot of the Presidential Preference Primary Ballot Election to be held January 31, 2012, the following proposition, in both English and Spanish, to be voted upon by the voters of Monroe County, Florida:

RENEW FLEXIBLE FUNDING FOR MONROE COUNTY SCHOOLS:

The District's objective is to continue to make available a portion of the existing capital ad valorem tax levy for operations – such as teachers, school nurses and classroom materials. The District intends to continue its reduced millage for capital projects, and continue to make available the equivalent amount for operations.

Shall the district continue to enact a yearly ad valorem tax of .5 mill, for four (4) years beginning July 1, 2012, for operating purposes?

_____ YES

_____ NO

RENOVAR FONDOS FLEXIBLES PARA EL DISTRITO ESCOLAR DEL CONDADO DE MONROE:

El objetivo del Distrito es poder continuar a hacer disponible una porción del corriente impuesto de capital ad valorem para las funciones del distrito – tales como maestros, enfermeras en las escuelas, y materiales para las clases. La intención del Distrito es continuar con un amillaramiento reducido para proyectos capitales, y continuar a hacer disponible una cantidad equivalente para las funciones del distrito.

¿Deberá el distrito continuar con el impuesto anual ad valorem de .5 milésimas de dólar, por cuatro años, comenzando el 1ro de Julio del 2012, para las funciones del distrito?

_____ Sí _____ No

Section 2: The Supervisor is further directed to require the School Board to obtain pre-clearance from the U. S. Department of Justice before placing the referendum on the January 31, 2012 ballot.

Section 3: The Clerk is hereby directed to send a certified copy of this resolution to Harry Sawyer, Supervisor of Elections, 530 Whitehead Street, #101, Key West, FL 33040.

Passed and adopted by the Monroe County Board of Commissioners at a meeting held this 16th day of November, 2011.

Mayor _____
Mayor Pro Tem _____
Commissioner _____
Commissioner _____
Commissioner _____

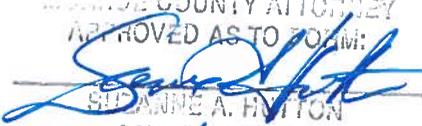
**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

By: _____
Mayor

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

By: _____
Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
COUNTY ATTORNEY
10/24/11

RESOLUTION NO. 773 Version 2

WHEREAS, capital funding is adequate to meet the district's current needs, given the current and contemplated continuance of the ad valorem tax;

WHEREAS, the Monroe County School District had operation budget shortfalls for teachers' salary increases, insurance, teacher benefits and classroom materials prior to the enactment of the increase in ad valorem taxes in 2004;

WHEREAS, the state funding formula does not allow for the Monroe County public schools to have flexibility between operation funds and capital funds;

WHEREAS, the School Board continues to need sufficient revenues to maintain and improve its high quality schools;

WHEREAS, although, Florida law provides for an increase in ad valorem taxes for four (4) years for operating purposes pursuant to voter referendum; and the District does have the flexibility to reduce ad valorem taxes to an amount equal to the ad valorem tax increase for operating expenditures; thereby creating a tax neutral shift after a successful referendum under 1011.71(6), Florida Statute.

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

1. That pursuant to Section 1011.73(2), Florida Statutes, the Board of County Commissioners of Monroe County is hereby directed to call a special election for January 31st, 2012*, for the qualified electors of Monroe county School District to vote on an ad valorem millage increase for operating expenses of the School District as authorized by Section 1011.71(9) Florida Statutes.
2. The substance of the millage referendum and the ballot title shall read:

RENEW FLEXIBLE FUNDING FOR MONROE COUNTY SCHOOLS:

The District's objective is to continue to make available a portion of the existing capital ad valorem tax levy for operations – such as teachers, school nurses and classroom materials. The District intends to continue its reduced millage for capital projects, and continue to make available the equivalent amount for operations.

* January 31, 2012, is the tentative date set for the next Presidential Primary Election and is currently subject to change



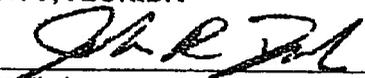
Shall the district continue to enact a yearly ad valorem tax of .5 mill, for four (4) years beginning July 1, 2012, for operating purposes?

_____ YES

_____ NO

PASSED AND DULY ADOPTED this 11 day of October, 2011.

THE SCHOOL BOARD OF MONROE
COUNTY, FLORIDA

By: 
Chairman

Attest: 
Dr. Jesus Jara - Superintendent

**NOTICE OF SPECIAL SCHOOL DISTRICT MILLAGE ELECTION FOR THE
DISTRICT OF MONROE COUNTY, FLORIDA ON JANUARY 31, 2012.**

By the following referendum, the district's objective is to continue to enable the district to obtain additional funding for operations – such as teachers, school nurses, and classroom materials.

The district intends to reduce millage for capital projects and make available an equivalent amount for operations. The following is the official ballot.

RENEW FLEXIBLE FUNDING FOR MONROE COUNTY SCHOOLS:

The District's objective is to continue to make available a portion of the existing capital ad valorem tax levy for operations – such as teachers, school nurses and classroom materials. The District intends to continue its reduced millage for capital projects, and continue to make available the equivalent amount for operations.

Shall the District continue to enact a yearly ad valorem tax of .5 mill, for four (4) years beginning July 1, 2012, for operating purposes?

_____ YES _____ NO

This notice shall be published on _____ and _____.

RENEW FLEXIBLE FUNDING FOR MONROE COUNTY SCHOOLS:

The District's objective is to continue to make available a portion of the existing capital ad valorem tax levy for operations – such as teachers, school nurses and classroom materials. The District intends to continue its reduced millage for capital projects, and continue to make available the equivalent amount for operations.

Shall the District continue to enact a yearly ad valorem tax of .5 mill, for four (4) years beginning July 1, 2012, for operating purposes?

_____ YES

_____ NO

**RENOVAR FONDOS FLEXIBLES PARA EL DISTRITO ESCOLAR DEL
CONDADO DE MONROE:**

El objetivo del Distrito es poder continuar a hacer disponible una porción del corriente impuesto de capital ad valorem para las funciones del distrito – tales como maestros, enfermeras en las escuelas, y materiales para las clases. La intención del Distrito es continuar con un amillaramiento reducido para proyectos capitales, y continuar a hacer disponible una cantidad equivalente para las funciones del distrito.

¿Deberá el distrito continuar con el impuesto anual ad valorem de .5 milésimas de dólar, por cuatro años, comenzando el 1ro de Julio del 2012, para las funciones del distrito?

_____ Sí

_____ No

ADDITIONAL BACK-UP

VERNIS & BOWLING

OF THE FLORIDA KEYS, P.A.

ATTORNEYS AT LAW
ISLAMORADA PROFESSIONAL CENTER
81990 OVERSEAS HWY., 3RD FLOOR
ISLAMORADA, FLORIDA 33036

TELEPHONE (305) 664-4675
FACSIMILE (305) 664-5414

WEB SITE: www.Florida-Law.com

October 21, 2011

Via U.S. Mail and E-Mail

Bob Shillinger, Esq.
Monroe County Attorney's Office
1111 12th Street, Suite 408
Key West, FL 33040

RE: Monroe County School Board ½ Mill Resolution

Dear Mr. Shillinger:

Enclosed, please find Resolution #773, Version 2, adopted by the School Board of Monroe County, Florida on October 11, 2011, providing for the levying of ½ mill subsequent to further approval on January 31, 2012. In accordance with Florida Statute § 1011.73, it is mandated that the School Board 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 § 1011.71. As such, please place this matter on the agenda for approval and directing the Supervisor of Elections, Harry L. Sawyer, Jr., to place the question on the referendum for consideration. For your convenience, I have included the following documents for your review:

- 1) Resolution #773, Version 2;
- 2) Referendum (English and Spanish); and
- 3) Notice of Election (English and Spanish).

It does not appear that "preclearance" is necessary under C.F.R. § 51.12, defining the scope of requirement for the procedure a change in voting rights. Nevertheless, to insure compliance and taking all necessary precautions, the foregoing items have been submitted to the Department of Justice, Civil Rights Division for review.

VERNIS & BOWLING OF MIAMI, P.A.
MIAMI, FLORIDA
TEL: (305) 895-3035 / FAX: (305) 892-1260

VERNIS & BOWLING OF PALM BEACH, P.A.
NORTH PALM BEACH, FLORIDA
TEL: (561) 775-9822 / FAX: (561) 775-9821

VERNIS & BOWLING OF BROWARD, P.A.
FT. LAUDERDALE, FLORIDA
TEL: (954) 522-1399 / FAX: (954) 522-1362

VERNIS & BOWLING OF THE FL. KEYS, P.A.
KEY WEST, FLORIDA
TEL: (305) 293-4670 / FAX: (305) 293-4660

VERNIS & BOWLING OF NORTH FL., P.A.
JACKSONVILLE, FLORIDA
TEL: (904) 820-7243 / FAX: (904) 364-2322

VERNIS & BOWLING OF S.W. FL., P.A.
FORT MYERS, FLORIDA
TEL: (239) 334-3033 / FAX: (239) 334-7702

VERNIS & BOWLING OF THE GULF COAST, P.A.
CLEARWATER, FLORIDA
TEL: (727) 443-3377 / FAX: (727) 443-6828

VERNIS & BOWLING OF CENTRAL FL., P.A.
DELAND, FLORIDA
TEL: (386) 734-2305 / FAX: (386) 734-3441

VERNIS & BOWLING OF N.W. FL., P.A.
PENSACOLA, FLORIDA
TEL: (850) 431-3461 / FAX: (850) 432-0166

VERNIS & BOWLING OF ATLANTA, LLC
ATLANTA, GEORGIA
TEL: (404) 846-2001 / FAX: (404) 846-2002

VERNIS & BOWLING OF SOUTHERN AL, LLC
MOBILE, ALABAMA
TEL: (251) 472-0377 / FAX: (251) 472-0244

VERNIS & BOWLING OF BIRMINGHAM, LLC
BIRMINGHAM, ALABAMA
TEL: (205) 445-1026 / FAX: (205) 445-1026

Bob Shillinger, Esq.
October 21, 2011
Page 2

In closing, if there is any question or problems with the referendum or enclosed items as framed, please let me know as soon as possible so that I may address any concerns in advance of our impending deadlines. As always, we thank you for your time and assistance with this matter.

Sincerely,



Theron C. Simmons, Esq.
School Board Legal Counsel

TCS: sj
Enclosure
cc: Dr. Jesus Jara, School Board Superintendent

RESOLUTION NO. 557 - 2007

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA RESCINDING RESOLUTION NO. 425-2007 AND DIRECTING THE SUPERVISOR OF ELECTIONS OF MONROE COUNTY, FLORIDA TO PLACE ON THE JANUARY 29, 2008 PRESIDENTIAL PREFERENCE ELECTION BALLOT THE REFERENDUM QUESTION SET FORTH IN THIS RESOLUTION CONCERNING WHETHER THE SCHOOL BOARD OF MONROE COUNTY SHOULD BE AUTHORIZED TO LEVY A .5 MILL AD VALOREM TAX.

WHEREAS, pursuant to Section 1011.73(2) and (3), Florida Statutes, the School Board of Monroe County, Florida, in *Resolution No. 686* adopted October 23, 2007, requested the Monroe County Board of County Commissioners direct the Supervisor of Elections to place on the January 29, 2008 Presidential Preference Primary Election Ballot a referendum question concerning whether the School Board of Monroe County should be authorized to levy a .5 mill ad valorem tax; and

WHEREAS, the Monroe County Board of County Commissioners approved *Resolution No. 425-2007* as presented by the School Board of Monroe County, Florida at their regularly scheduled meeting held November 14, 2007; and

WHEREAS, the School Board of Monroe County has subsequently advised the ballot language provided for approval in *Resolution No. 425-2007* is incorrect and must be changed to reflect the ballot language set forth in this resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:

Section 1: *Resolution No. 425-2007* is hereby rescinded.

Section 2: Pursuant to Sec. 1011.73(2)(3) and (4)(a)(b), Florida Statutes, the Supervisor of Elections of Monroe County, Florida is hereby directed to place on the ballot of the Presidential Preference Primary Ballot Election to be held January 29, 2008, the following proposition, in both English and Spanish, to be voted upon by the voters of Monroe County, Florida:

RENEW FLEXIBLE FUNDING FOR MONROE COUNTY SCHOOLS:

The District's objective is to continue to make available a portion of the existing capital ad valorem tax levy for operations – such as teachers, school nurses and classroom materials. The District intends to continue its reduced millage for capital projects, and continue to make available the equivalent amount for operations.

Shall the District continue to enact a yearly ad valorem tax of .5 mill, for four years beginning July 1, 2008 for operating purposes?

_____ YES _____ NO

Section 2: The Supervisor is further directed to require the School Board to obtain pre-clearance from the U. S. Department of Justice before placing the referendum on the January 29, 2008 ballot.

Section 3: The Clerk is hereby directed to send a certified copy of this resolution to Harry Sawyer, Supervisor of Elections, 530 Whitehead Street, #101, Key West, FL 33040.

Passed and adopted by the Monroe County Board of Commissioners at a meeting held this 19th day of December, 2007.

Mayor McCoy	<u>Yes</u>
Mayor Pro Tem Di Gennaro	<u>Yes</u>
Commissioner Spehar	<u>Yes</u>
Commissioner Murphy	<u>Yes</u>
Commissioner Neugent	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

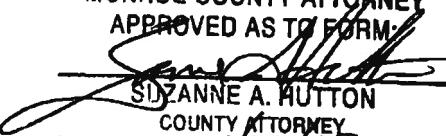
By: 
Mayor Charles "Sonny" McCoy

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

By: 
Deputy Clerk

FILED FOR RECORD
2008 JAN 10 PM 1:56
DANNY L. KOLHAGE
CLERK
MONROE COUNTY, FLA.

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUZANNE A. HUTTON
COUNTY ATTORNEY
Date 11/21/07

RESOLUTION NO. 425 - 2007

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA DIRECTING THE SUPERVISOR OF ELECTIONS OF MONROE COUNTY, FLORIDA TO PLACE ON THE JANUARY 29, 2008 PRESIDENTIAL PREFERENCE ELECTION BALLOT A REFERENDUM QUESTION CONCERNING WHETHER THE SCHOOL BOARD OF MONROE COUNTY SHOULD BE AUTHORIZED TO LEVY A .5 MILL AD VALOREM TAX.

WHEREAS, pursuant to Section 1011.73(2) and (3), Florida Statutes, the School Board of Monroe County, Florida, in *Resolution No. 686* adopted October 23, 2007, has requested that the Board of County Commissioners direct the Supervisor of Elections to place on the January 29, 2008 Presidential Preference Primary Election Ballot a referendum question concerning whether the School Board of Monroe County should be authorized to levy a .5 mill ad valorem tax,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AS FOLLOWS:

Section 1: Pursuant to Sec. 1011.73(2)(3) and (4)(a)(b), Florida Statutes, the Supervisor of Elections of Monroe County, Florida is hereby directed to place on the ballot of the Presidential Preference Primary Ballot Election to be held January 29, 2008, the following proposition, in both English and Spanish, to be voted upon by the voters of Monroe County, Florida:

PROVIDING FLEXIBILITY FOR GREATER FUNDING FOR OPERATIONS IN THE MONROE COUNTY SCHOOL DISTRICT

The district's existing ad valorem tax can be used for capital purposes ONLY. The district's intent is to provide for a shift to continue to enable the district to obtain additional funding for operations such as teachers and classrooms – by reducing millage for capital projects, and enacting the following for tax operations:

Shall the district enact a yearly ad valorem tax of .50 mill, for four years beginning July 1, 2008, for operating purposes, thus keeping the millage at the current rate?

_____ YES

_____ NO

Section 2: The Supervisor is further directed to require the School Board to obtain pre-clearance from the U. S. Department of Justice before placing the referendum on the January 29, 2008 ballot.

Section 3: The Clerk is hereby directed to send a certified copy of this resolution to Harry Sawyer, Supervisor of Elections, 530 Whitehead Street, #101, Key West, FL 33040.

Passed and adopted by the Monroe County Board of Commissioners at a meeting held this 14th day of November, 2007.

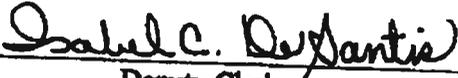
Mayor McCoy	<u>Yes</u>
Mayor Pro Tem DiGennaro	<u>Yes</u>
Commissioner Spehar	<u>Yes</u>
Commissioner Murphy	<u>Yes</u>
Commissioner Neugent	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

By: 
Mayor Charles "Sonny" McCoy

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

By: 
Deputy Clerk

FILED FOR RECORD

2007 NOV 15 PM 3:11

DANNY L. KOLHAGE
CLERK
MONROE COUNTY, FLA.

MONROE COUNTY ATTORNEY
APPROVED & TO FORM

ROBERT B. SHILLINGER, JR.
CHIEF ASSISTANT COUNTY ATTORNEY
DATE: 11-2-07

Florida Statutes 1011.73 District millage elections.—

(1) **MILLAGE AUTHORIZED NOT TO EXCEED 2 YEARS.—**The district school board, pursuant to resolution adopted at a regular meeting, shall direct the county commissioners to call an election at which the electors within the school districts may approve an ad valorem tax millage as authorized in s. 9, Art. VII of the State Constitution. Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 2 years or until changed by another millage election, whichever is the earlier. In the event any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(2) **MILLAGE AUTHORIZED NOT TO EXCEED 4 YEARS.—**The district school board, pursuant to resolution adopted at a regular meeting, shall 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 s. 1011.71(9). Such election may be held at any time, except that not more than one such election shall be held during any 12-month period. Any millage so authorized shall be levied for a period not in excess of 4 years or until changed by another millage election, whichever is earlier. If any such election is invalidated by a court of competent jurisdiction, such invalidated election shall be considered not to have been held.

(3) **HOLDING ELECTIONS.—**All school district millage elections shall be held and conducted in the manner prescribed by law for holding general elections, except as provided in this chapter.

(4) **FORM OF BALLOT.—**

(a) The district school board may propose a single millage or two millages, with one for operating expenses and another for a local capital improvement reserve fund. When two millage figures are proposed, each millage must be voted on separately.

(b) The district school board shall provide the wording of the substance of the measure and the ballot title in the resolution calling for the election. The wording of the ballot must conform to the provisions of s. 101.161.

(5) **QUALIFICATION OF ELECTORS.—**All qualified electors of the school district are entitled to vote in the election to set the school tax district millage levy.

(6) **RESULTS OF ELECTION.—**When the district school board proposes one tax levy for operating expenses and another for the local capital improvement reserve fund, the results shall be considered separately. The tax levy shall be levied only in case a majority of the electors participating in the election vote in favor of the proposed special millage.

(7) **EXPENSES OF ELECTION.—**The cost of the publication of the notice of the election and all expenses of the election in the school district shall be paid by the district school board.

History.—s. 666, ch. 2002-387; s. 5, ch. 2007-194; s. 12, ch. 2008-142; s. 130, ch. 2010-5; s. 31, ch. 2010-154.