

The School Board of Indian River County, Florida

RESOLUTION NO: 2020-09

A RESOLUTION OF THE SCHOOL BOARD OF INDIAN RIVER COUNTY, FLORIDA, ORDERING AND PROVIDING FOR THE HOLDING OF A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS OF THE SCHOOL DISTRICT OF INDIAN RIVER COUNTY, FLORIDA, AUTHORIZE THE SCHOOL BOARD TO CONTINUE THE ANNUAL LEVY OF THE 0.50 MILL FOR FOUR (4) YEARS FOR ESSENTIAL OPERATING NEEDS; 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 THE REFERENDUM ELECTION PROCEDURE; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

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

SECTION 1. AUTHORITY FOR RESOLUTION. This Resolution is adopted pursuant to Section 1011.73(2), Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS. The School Board hereby finds and determines as follows:

A. The State of Florida has increased educational funding along with increased restrictions on how funding is to be used since the 2007-2008 fiscal year.

B. All School Boards in the State of Florida, including this School Board, have experienced funding restrictions while operating expenses continue to rise.

C. This legislative session the Legislature passed HB 5007 which increased the employer rates for the Florida Retirement System effective July 1, 2020. The Florida Education Finance Program (FEFP) funding formula does not include a specific revenue source to cover

these costs, which are estimated to be \$232M for all school districts. The estimated cost for the School District is \$1.4M.

D. This legislative session the Legislature passed HB 7067 increasing the number of new Family Empowerment Scholarships allowed each year to 1 percent of the Unweighted FTE students in the FEFP. This is an increase of 29,000 scholarships above the current cap of 18,000. For 2019-2020, \$103,529,750 was transferred from the School District budget to pay for these scholarships. Statewide the cost for 2020-2021 could exceed \$300M.

E. The School District has experienced operating budget shortfalls impacting the instructional requirements of our students, compromising the physical and psychological safety of our students, and hampering the ability to recruit, retain, and incentivize high-quality teachers and staff to create the highest skilled workforce on the Treasure Coast.

F. The School District's educational funding per House Bill 5001 for the 2020-2021 fiscal year will increase by \$4,572,420. However, this additional funding is not sufficient to cover the School District's financial requirements of: \$3,001,107 for 2020-2021 Teacher Salary Increase Allocation, \$3,164,057 for 2013-2014 Teacher Salary Allocation that is permanently included in the School District's salary accounts, \$149,317 for additional Mental Health Services, \$1,400,000 for the 2020-2021 Florida Retirement System increase and \$3,900,000 for the Florida Retirement System increases from 2012-2013 to 2019-2020. Total financial requirement of \$9,849,796 compared to increased funding of \$4,572,420 or a loss of \$5,277,376.

G. The School District's funding for student transportation from the FEFP formula for the last four years has been approximately \$3.5M compared to actual expenditures of approximately \$5.4M, or a deficit of \$1.9M.

H. The School District's funding for instructional materials has remained flat for the last four year at \$1.4M. However, when compared to the "Benchmark" funding of \$1.8M in 2007-2008, funding for instructional materials has decreased \$454K or 25%. Statewide, funding has decreased \$35M or 13% compared to 2007-2008.

I. The School District's funding for 2020-2021 compared to the "highest funding" before the "Great Recession for 2007-2008" reflects an increase in funding of \$11,845,974 along with increased financial requirements totaling \$12,686,252, or a loss of \$840,278.

J. In August 2016, the electorate of Indian River County approved via ballot referendum an Essential Operating Needs Millage of **0.50 mills** for fiscal years **2017/2018, 2018/2019, 2019/2020, and 2020/2021**. This voter approved millage referendum generates approximately \$11 million per fiscal year for the School District of Indian River County. However, the authority granted for the voter approved millage expires at the end of fiscal **2020/2021**.

K. The School District needs sufficient revenues to maintain and improve its high-quality public schools.

L. Section 1011.73(2), Florida Statutes, provides electoral authorization of ad valorem millage for four (4) years for operating purposes pursuant to a voter referendum.

M. Section 1011.71(9), Florida Statutes, authorizes a School District to levy, by local referendum, the continuation of additional millage for school operational purposes up to an amount that, when combined with the non-voted millage levy, does not exceed the 10-mill limit established under the Florida Constitution.

N. The School Board has determined it is in the best interest of the students in Indian River County to submit to the voters the question of continuing the ad valorem millage of a 0.50 mill for four (4) years for essential operating needs to provide high-quality educational opportunities for all students, recruit and retain high-quality educators, create technology-rich classrooms, and expand supports for school safety and mental health.

O. The School Board has determined that it is in the best interest of the students in Indian River County to share the revenue generated by the 0.50 essential operating needs millage with the charter schools in Indian River County on a pro rata basis, established initially by the recalibrated unweighted full time equivalent (FTE) projection for each charter school and adjusted based upon the recalibrated October and February student survey counts of unweighted full-time equivalent (FTE) students, for each charter school to be used as described in the preceding paragraph.

SECTION 3. ESSENTIAL OPERATING MILLAGE. Subject to approval by the electors of the School District at a referendum held as provided in Section 1011.73(2), Florida Statutes, a 0.50 mill shall continue to be levied within Indian River County for essential operating needs of the School District, as defined in the preceding Section, for the 2021/2022, 2022/2023, 2023/2024 and 2024/2025 fiscal years, in an effort to preserve essential operations of the School District.

SECTION 4. REFERENDUM ELECTION ORDERED. The Board of County Commissioners of Indian River County, Florida is hereby directed to call an election in conjunction with the primary election of August 18, 2020, at which the electors within the School District may vote on the continuation of an ad valorem millage of 0.50 mill for four (4) years as authorized in §1011.73(2), Florida Statutes.

SECTION 5. NOTICE OF REFERENDUM ELECTION. In accordance with §100.342, Florida Statutes, the Superintendent is hereby authorized and directed to place a notice of the referendum election in a newspaper of general circulation published in the School District. The publication shall be made at least 30 days prior to the referendum election 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 to be held. The notice of referendum shall be in substantially the form provided in the attached Exhibit A. This Resolution shall be published as a part of such notice.

SECTION 6. PLACES OF VOTING; INSPECTORS AND CLERKS. The polls will be open at the voting places on the date of the referendum election. All qualified electors residing within the School District shall be entitled and permitted to vote at the referendum election on the proposition provided in this Resolution. The places, manner and procedures of

voting and the inspectors and clerks of the referendum election shall be those designated by the Supervisor of Elections of Indian River County in accordance with law.

SECTION 7. OFFICIAL BALLOT. The ballots to be used in the referendum election shall be in substantially the following form:

**The School District of Indian River County, Florida
Continue Essential Operating Needs Referendum Election**

Shall the School District continue to levy a 0.50 ad valorem millage for essential operating needs to provide high-quality educational opportunities for all students, recruit and retain high-quality educators, create technology-rich classrooms, and expand supports for school safety and mental health beginning July 1, 2021, and ending four fiscal years later, which replaces the existing voter approved 0.50 ad valorem millage that expires June 30, 2021, with annual reporting to the citizenry?

_____ YES FOR APPROVAL

_____ NO FOR REJECTION

SECTION 8. ABSENTEE VOTING. The Supervisor of Elections shall make adequate provision in accordance with law and procedures lawfully enacted by the Supervisor for voting by absentee voters. The form of ballots to be used in the referendum election by and for absentee voters shall be the same as used in the polling places for the referendum election.

SECTION 9. EARLY VOTING. The Supervisor of Elections shall make provision in accordance with the established procedures of that office for participation by the voters in early voting. The form of ballots to be used in the referendum election for early voting shall be the same as used in the polling places for the election.

SECTION 10. PRINTING OF BALLOTS. The Supervisor of Elections of Indian River County shall print 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 11. REFERENDUM ELECTION PROCEDURE. The Supervisor of Elections of Indian River County shall hold, administer, and conduct the referendum election in the manner prescribed by law for holding elections in the School 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 12. 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 13. REPEALING CLAUSE. All Resolutions in conflict or inconsistent with this Resolution are repealed insofar as there is conflict or inconsistency.


SECTION 14. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

ADOPTED at a duly noticed public meeting of The School Board of Indian River County, Florida, the 28th day of April 2020, with a quorum present and voting.

THE SCHOOL BOARD OF INDIAN RIVER COUNTY, FLORIDA

By: 
Laura Zorc, Chairman

ATTEST:



David Moore, Ed.D., Superintendent

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Suzanne D'Agresta, Esquire
School Board Attorney

EXHIBIT A

NOTICE OF REFERENDUM ELECTION IN THE SCHOOL DISTRICT OF INDIAN RIVER COUNTY, FLORIDA, ON AUGUST 18, 2020

NOTICE IS HEREBY GIVEN THAT A REFERENDUM ELECTION will be held on August 18, 2020, in the School District of Indian River County, Florida, for the purpose of determining whether or not the electors in the School District approve to continue the levy of 0.5 mill for essential operating needs of the School District for 2021/2022, 2022/2023, 2023/2024 and 2024/2025 fiscal years; all as more specifically described and provided in a Resolution of the School Board of Indian River County, Florida, adopted April 28, 2020, and published below.

The polls will be open at the voting places on the date of the referendum election and absentee voting and early voting will be available for the referendum election, 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 RESOLUTION ONCE ADOPTED]