

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

70

SUBJECT	PLACEMENT OF LOCAL OPTION SCHOOL SALES SURTAX ON BALLOT FOR REFERENDUM IN NOVEMBER, 1998	TYPE AGENDA ITEM	REGULAR
DATE REQUESTED	SEPTEMBER 1, 1998	DATE SUBMITTED/REVISED	AUGUST 31, 1998
BRIEFINGS/WHO?	NONE	CONSEQUENCES IF DEFERRED	NONE
DEPARTMENT/DIVISION	COUNTY ADMINISTRATOR	AUTHORIZED BY TITLE	ERNIE PADOETT COUNTY ADMINISTRATOR
CONTACT PERSON TELEPHONE/EXTENSION	DAVE ROTHFUS 3722 <i>DR 8/31/98</i>	PRESENTER/TITLE TELEPHONE/EXTENSION	ERNIE PADOETT 3783
ADMINISTRATIVE APPROVAL	<i>[Signature]</i>		

ACTION DESIRED

CAO INDICATE WHETHER "REPORT OR "DISCUSSION, "FORM OF MOTION, OR "OTHER ACTION REQUIRED:

- *Get knowledge receipt of*
APPROVAL OF THE REQUEST BY THE SCHOOL BOARD OF MANATEE COUNTY TO PLACE THE LOCAL OPTION SCHOOL SALES SURTAX REFERENDUM ON THE BALLOT IN THE NOVEMBER, 1998, GENERAL ELECTION; AND
- AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE THE ATTACHED LETTER.

ENABLING/REGULATING AUTHORITY

FEDERAL/STATE LAW(S), ADMINISTRATIVE RULING(S), MANATEE COUNTY COMP PLAN/LAND DEVELOPMENT CODE, ORDINANCES, RESOLUTIONS, POLICY.)

SECTION 212.055(7), 1998 FLORIDA STATUTES, PROVIDES THAT A SCHOOL BOARD MAY LEVY, PURSUANT TO A RESOLUTION CONDITIONED TO TAKE EFFECT ONLY UPON APPROVAL OF A MAJORITY VOTE OF THE ELECTORS OF THE COUNTY VOTING ON A REFERENDUM, A DISCRETIONARY SALES SURTAX NOT TO EXCEED 0.5 PER CENT.

SECTION 212.055(7), 1998 FLORIDA STATUTES, ALSO PROVIDES THAT THE MATTER SHALL BE PLACED ON THE BALLOT BY THE GOVERNING BODY OF THE COUNTY.

BACKGROUND/DISCUSSION

- BY WAY OF CORRESPONDENCE DATED AUGUST 20, 1998, SUPERINTENDENT DENISAR HAS REQUESTED THAT THE BOARD OF COUNTY COMMISSIONERS "...TAKE SUCH ACTION AS NECESSARY TO AUTHORIZE AND TO DIRECT THE PLACEMENT OF LOCAL OPTION SCHOOL SALES SURTAX ON THE BALLOT FOR THE GENERAL ELECTION IN NOVEMBER, 1998." ATTACHED IS AN ORIGINAL RESOLUTION OF THE SCHOOL BOARD OF MANATEE COUNTY FOR TRANSMITTAL BY THE COMMISSION TO THE SUPERVISOR OF ELECTIONS, IN ORDER TO PLACE THE LOCAL OPTION SCHOOL SALES SURTAX REFERENDUM ON THE NOVEMBER 3, 1998, BALLOT.

CC: TEDDY N. WILLIAMS, JR., COUNTY ATTORNEY
PATRICIA McVOY, SENIOR ASSISTANT COUNTY ATTORNEY
SUPERINTENDENT GENE DENISAR, SCHOOL BOARD OF MANATEE COUNTY
GAVIN O'BRIEN, ESQ.

** 9/1/98 - Contd to the next mtg (in 2 weeks).*

<REF: A098-20401>

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? INDICATE "NO" OR "YES" @ RIGHT. (IF "NO," PROCEED TO 1) BELOW; AND IF "YES," PROCEED TO 2) BELOW) YES

1) IF "NO" TO ABOVE.

A) PLEASE EXPLAIN BELOW: (SEE ALSO FOLLOWING SECTION 1B) RE: CONTRACT, AGREEMENT, LEASE, ETC.:

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT: N/A

2) IF "YES" TO FIRST QUESTION IN THIS SECTION,

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

COUNTY ATTORNEY WILLIAMS REVIEWED THE REFERENDUM AND THE FLORIDA STATUTE.

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (IF COMMENTS WERE VERBAL, SO INDICATE.)

YES

ATTACHMENTS: (LIST IN ORDER AS ATTACHED)

LETTER FROM SUPERINTENDENT DENISAR DATED 8/26/98.
RESOLUTION OF THE SCHOOL BOARD OF MANATEE COUNTY.
LETTER FROM COUNTY ATTORNEY WILLIAMS DATED 8/27/98.
LETTER TO THE SUPERVISOR OF ELECTIONS DATED 9/1/98.

INSTRUCTIONS TO BOARD RECORDS:

FORWARD THE ORIGINAL LETTER SIGNED BY THE BOARD OF COUNTY COMMISSIONERS CHAIRMAN AND THE RESOLUTION OF THE SCHOOL BOARD OF MANATEE COUNTY TO SUPERVISOR OF ELECTIONS BOB SWEAT. PROVIDE COPIES OF THE EXECUTED LETTER FROM THE CHAIRMAN TO: COUNTY ADMINISTRATOR'S OFF. AND COUNTY ATTORNEY'S OFF.

COST NONE

SOURCE (ACCT# & NAME) NONE

COMMENTS N/A

AMT./FREQ. OF RECURRING COSTS
(ATTACH FISCAL IMPACT STATEMENT) NONE

School Board of Manatee County

P.O. Box 9069
Bradenton, Florida 34206-9069

DR. S. GENE DENISAR
SUPERINTENDENT OF SCHOOLS

215 MANATEE AVENUE WEST
TELEPHONE (941) 741-7200
FAX Line (941) 741-3455

August 26, 1998

SCHOOL BOARD
HARRY G. KINNAN
• CHAIRMAN •
LARRY SIMMONS
• VICE-CHAIRMAN •
FRANK BRUNNER
JOSEPH C. MILLER, JR.
CHUCK WILHOITE

Mr. Ernie Padgett
Manatee County Administrator
P.O. Box 1000
Bradenton, Florida 34206-1000

RECEIVED

AUG 28 1998

COUNTY ADMINISTRATOR
MANATEE COUNTY

RE: Placement of Local Option School Sales Surtax on Ballot for Referendum
in November 1998

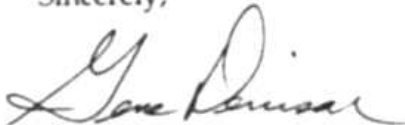
Dear Mr. Padgett:

The School Board of Manatee County, Florida, unanimously passed a Resolution for the placement of a Local Option School Sales Surtax on ballot for referendum in November 1998. A copy of the executed resolution is transmitted with this letter.

This is a formal request that the Board of County Commissioners take such action as necessary to authorize and to direct the placement of Local Option School Sales Surtax on the ballot for the general election in November 1998. It is requested that this action be taken at the next County Commission Board Meeting.

Please contact me if you have any questions. Thank you.

Sincerely,



S. Gene Denisar
Superintendent of Schools

SGD:kc

xc: Mr. Dave Rothfuss, Chief Assistant County Administrator



MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS

September 1, 1998

The Honorable Bob Sweat
Supervisor of Elections
305 15th Street West
Bradenton, Florida 34205

Re: Placement of Local Option School Sales Surtax Referendum on the November 3, 1998, General Election Ballot

Dear Mr. Sweat:

Enclosed herewith is an original School Board of Manatee County Resolution which requests that the Local Option School Sales Tax Referendum be placed on the November 3, 1998, general election ballot. The Board of County Commissioners has considered this matter during its meeting of this date, and herein requests that you undertake to place this matter on the November 3, 1998, General Election Ballot.

Thank you for your attention to and assistance in this matter.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

Patricia M. Glass
Chairman

PMG/sbm
Enclosure (1)

cc: Ernie Padgett, County Administrator
Teddy N. Williams, Jr., County Attorney
Manatee County School Board
Gene Denisar, Superintendent, School Board of Manatee County
Gavin O'Brien, Esq.

SCHOOL BOARD OF MANATEE COUNTY

RESOLUTION

WHEREAS §212.055(7), 1998 Florida Statutes, provides that the School Board in each county may levy, pursuant to resolution conditioned to take effect only upon approval of a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax not to exceed 0.5 percent.

WHEREAS there is an existing need to provide a financing source for fixed capital expenditures or fixed capital cost associated with the construction, reconstruction or improvement of school facilities throughout Manatee County which have a useful life expectancy of five (5) or more years and for land acquisitions, land improvement, design and engineering costs related thereto. Further financing is needed to pay for the costs of retrofitting and providing for technology implementation including hardware and software for the various sites within the school district.

WHEREAS the School Board has adopted a Plan, which is attached to and incorporated herein by reference, for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of five (5) or more years, and for the land acquisition, land improvement, design, and engineering costs, and for the costs of retrofitting and providing for technology implementation including hardware and software for the various sites within the school district.

WHEREAS surtax revenues may be used for the purpose of servicing bond indebtedness to finance projects authorized by the law and any interest accrued thereto may be held in trust to finance such projects. However, neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses.

WHEREAS the School Board does by the adoption of this Resolution implement a freeze on noncapital local school property taxes, at the millage rate imposed in the year prior to the implementation of the surtax, for a period of at least three (3) years from the date of imposition of the surtax. This freeze provision shall not apply to existing debt service or required state taxes or millage levies.

WHEREAS the surtax revenues shall be collected by the Florida Department of Revenue pursuant to the law and shall be distributed to the School Board in accordance with the provisions of Florida law.

WHEREAS §212.055(7), 1998 Florida Statutes provides that the matter shall be placed on the ballot by the governing body of the county, the School Board does request the Board of County Commissioners to place this matter on the ballot in the November, 1998 general election.

NOW, THEREFORE, is it resolved that pursuant to §212.055(7), 1998 Florida Statutes, the School Board of Manatee County, Florida does hereby adopt this Resolution conditioned to take effect on July 1, 1999, only upon approval of a majority vote of the electors of Manatee County, Florida voting in a referendum to be held on November 3, 1998.

Be it further resolved that the title and language of the ballot shall be as follows:

**COUNTY WIDE SCHOOL
0.5 PERCENT SALES SURTAX
FOR ACQUISITION, RENOVATION
AND CONSTRUCTION OF
EDUCATIONAL FACILITIES**

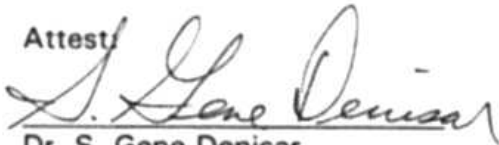
Shall the Manatee County School Board levy a county-wide 0.5 percent sales surtax for five years? Revenues statutorily available to the school district shall be used to reduce overcrowding, eliminate portable classrooms, renovate existing schools, build new schools where needed, purchase technology, and improve student safety, achievement and conduct.

BE IT FURTHER RESOLVED, that the Chairman and the Superintendent of Schools are authorized to request the Board of County Commissioners to place this matter on the ballot in the general election to be held November, 1998.

AND BE IT FURTHER RESOLVED that the Chairman and the Superintendent of Schools are empowered to make scriveners revisions which may be necessary or required to accomplish the purposes of this Resolution including revisions mandated by the Supervisor of Elections, without further action by the School Board.

IN TESTIMONY WHEREOF, in regular session, the members of the School Board have hereunto subscribed their names and have caused the Official Seal of the School Board of Manatee County, Florida to be hereunto affixed, in the County of Manatee, Florida on this 17th day of August, 1998.


Attest:

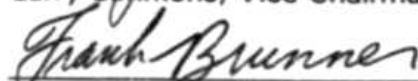

Dr. S. Gene Denisar
Superintendent

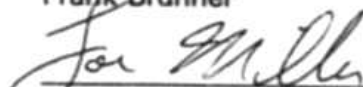
SCHOOL BOARD OF MANATEE COUNTY

Harry G. Kinnan
Chairman

SEAL

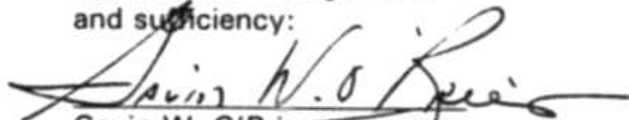

Larry Simmons, Vice Chairman


Frank Brunner


Joe Miller


Chuck Wilhoite

Approved as to legal form
and sufficiency:


Gavin W. O'Brien
School Board Attorney

Date: Aug. 17, 1998
C:\OFFICE\WP\WIN\WPDOCS\98msb\98292.wpd

DRAFT

SALES TAX PROJECTS & OTHER MAJOR PROJECTS

This will provide 8,779 new or improved student stations and 333,190 square feet of enhanced core facility space.
It will also eliminate approximately 150 portables currently occupied by students.

SCHOOL	REMODELING/NEW CONSTRUCTION DESCRIPTION
Lincoln Middle	New Lincoln Middle School - Total Project Budget
M T I	Major Remodel/Renovation
Samoset Elem.	New Samoset Elementary - Total Project Budget with Land Purchase
Ballard Elem.	New Ballard Elementary - Total Project Budget
East Co. Elem.	New East County Elementary - Total Project Budget
Palmetto High	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
Abel Elem	Major Renovation
Moody Elem	Major Renovation
Prine Elem	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
Daughtrey Elem	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
King Middle	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
Anna Maria El	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
Miller Elem	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
Myakka City El	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
Palm View El	Eliminate Portables/Add Classroom Wing/Technology & Core Facilities
Stewart Elem	Renovate Lighting & Ceiling Systems
Manatee High	Renovate Art Building
Southeast High	Remodel Rooms 900, 901, 902, 140 & 141 for Voc Tech Training
Bayshore Elem	Upgrade Core Facilities and Enhance Technology to Provide Equity
Bashaw Elem	Upgrade Core Facilities and Enhance Technology to Provide Equity
Palma Sola El	Upgrade Core Facilities and Enhance Technology to Provide Equity
Blackburn El	Upgrade Core Facilities and Enhance Technology to Provide Equity
Southeast High	Remodel Rooms 151, 152, 160 & 161 for Physical Education
Palmetto Elem	Provide Required Physical Education Space
Oneco Elem	Provide Required Physical Education Space
District Wide	Technology for schools
District Wide	Instructional equipment to enhance academic achievement
	Other Major Projects Classroom First Funds and Other Local Sources
Rowlette Elem	New Rowlette Elementary - Total Project Budget with Land Purchase
Kinnan Elem	New Kinnan Elementary - Total Project Budget with Land Purchase
Lee Middle	New Lee Middle - Total Project Budget with Demolition



MANATEE COUNTY

OFFICE OF THE COUNTY ATTORNEY

* Board Certified City, County and Local Government Law
* Board Certified Civil Trial

August 27, 1998

Teddy N. Williams, Jr., County Attorney
Mark P. Barnebey, Chief Assistant County Attorney*
Paul G. Bangel, Senior Assistant County Attorney*
William C. Henry, Senior Assistant County Attorney for Risk Management
Patricia McVoy, Senior Assistant County Attorney*
James A. Minax, Senior Assistant County Attorney*
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Stensnyder, Senior Assistant County Attorney*

Gavin W. O'Brien, Esquire
1806 Manatee Avenue West
Bradenton, Florida 34205

RECEIVED

AUG 28 1998

COUNTY ADMINISTRATOR
MANATEE COUNTY

Re: School Board Resolution Regarding Sales Surtax

Dear Gavin:

This will confirm our telephone conversation of this date. As I told you, a Manatee County School Board employee faxed to Dave Rothfuss a copy of a "School Board Resolution of Manatee County" that appears to have been adopted by the School Board on August 17, 1998. The cover memo asked for "Mr. Williams' review." I assumed and you confirmed that I am not being asked to review the Resolution for legal sufficiency or other purposes.

You advised that the School Board is asking the Board of County Commissioners to put this Resolution on the ballot for the November 3, 1998, election pursuant to Florida Statute §212.055(7). I have since talked to the County Administrator's Office about putting it on the Board's agenda and we have concluded that, to avoid any possibility of miscommunication, we should have a written request from the Chairman of the School Board or the Superintendent, or other appropriate authority, before the Board of County Commissioners formally requests the Supervisor of Elections to put it on the ballot. I believe the Administrator's office will communicate with the School Board to work out specifics. Meanwhile, I also confirm, as we discussed, that the School Board will be responsible for advertising of the referendum if you determine it is advisable pursuant to your review of Florida Statute §100.342.

Gavin W.O'Brien, Esquire
August 27, 1998
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It was a pleasure talking with you.

Best personal regards,

A handwritten signature in dark ink, appearing to read "Teddy N. Williams, Jr.", with a stylized, cursive script.

TEDDY N. WILLIAMS, JR.
County Attorney

TNW:mh

cc: Board of County Commissioners
Ernie Padgett, County Administrator
Dave Rothfuss, Chief Assistant County Administrator
Jim Seuffert, Director, Financial Management
Patricia McVoy, Senior Assistant County Attorney