



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

SUPERINTENDENT'S OFFICE
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DEBRA L. ROBINSON, M.D.

July 27, 2004

The Honorable Karen T. Marcus, Chair
Palm Beach County Board of County Commissioners
301 North Olive Avenue
West Palm Beach, FL 33401

Re: Sales Tax Referendum for Schools

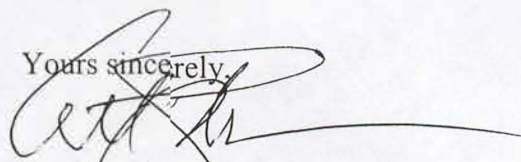
Madam Chair:

Attached is a copy of a Resolution approved by the School Board of Palm Beach County, Florida on July 26, 2004. The resolution calls for a referendum to be held on November 2, 2004 for the purpose of submitting to the voters of Palm Beach County the question of whether the School Board should levy a one-half cent sales surtax to fund school construction and modernization under the supervision of an independent oversight committee of volunteers. In accordance with Section 212.055(6) Florida Statutes and the Resolution, the Board of County Commissioners is hereby requested (i) to approve the November 2, 2004 date for the referendum and (ii) to direct the Palm Beach County Supervisor of Elections to provide the notice contained in Section 6 and Exhibit B of the Resolution and place on the ballot the question contained in Section 7 of the Resolution.

The School Board hereby requests that this matter be placed on the agenda for action by the Board of County Commissioners at the first possible meeting in August.

Thank you for your consideration.

Yours sincerely,



Arthur Johnson
Superintendent

cc: Honorable Members of the Palm Beach County Board of County Commissioners
Honorable Members of The School Board of Palm Beach County, Florida
The Honorable Theresa LePore, Palm Beach County Supervisor of Elections
Denise Nieman, Esquire
Julieann Rico Allison, Esquire

THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

RESOLUTION

A RESOLUTION OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA, CALLING FOR A REFERENDUM TO BE HELD ON NOVEMBER 2, 2004 FOR THE PURPOSE OF SUBMITTING TO THE DULY QUALIFIED ELECTORS OF PALM BEACH COUNTY, FLORIDA A QUESTION REGARDING THE LEVY BY THE SCHOOL BOARD ON ALL TAXABLE TRANSACTIONS OF A DISCRETIONARY SALES SURTAX OF ONE-HALF CENT PER DOLLAR FOR THE PURPOSE OF FINANCING A COMPREHENSIVE PLAN TO CONSTRUCT REPLACE, EXPAND AND MODERNIZE SCHOOLS COUNTYWIDE, UPGRADE TO THE NEWEST TECHNOLOGY AND ACQUIRE LAND, INCLUDING BOND INDEBTEDNESS THEREFOR, IF ANY; PROVIDING FOR PROPER NOTICE OF SUCH ELECTION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, lack of funding within the School District of Palm Beach County, Florida (the "District") for the costs of construction, replacement, expansion and modernization of new and existing public school facilities, upgrades to the newest technology, and acquisition of land, has become more and more acute; and

WHEREAS, the School Board of Palm Beach County, Florida (the "School Board") has determined that there is a need for construction of new school facilities and replacement, expansion and modernization of existing school facilities, upgrades to the newest technology and land acquisition; and

WHEREAS, Section 212.055(6), Florida Statutes, authorizes the imposition by school boards of a one-half cent per dollar sales surtax on all taxable transactions to fund capital outlay projects, upgrades to the newest technology and land acquisition, including the payment of bond indebtedness therefor, subject to approval by the electors of the county voting in a referendum; and

WHEREAS, this Resolution shall set forth a plan (the "Plan") consistent with the provisions of Section 212.055(6)(c) Florida Statutes, for use of the proceeds of the levy and collection of the surtax for capital outlay projects, upgrades to the newest technology and land acquisition;

NOW, THEREFOR, BE IT RESOLVED BY THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA:

Section 1. Tax Levy. There is hereby levied and imposed within Palm Beach County a discretionary sales surtax on all taxable transactions of 0.5 percent (one-half cent per dollar) pursuant to the provisions of Section 212.055(6) Florida Statutes and Section 212.054, Florida Statutes.

Section 2. Term of Levy. The surtax levy shall commence January 1, 2005. The surtax levy shall remain in full force and effect from and after January 1, 2005 and ending upon completion of the Plan, but not later than December 31, 2010, unless repealed or reduced prior to that time by resolution of the School Board, which repeal or reduction may be effectuated without referendum, so long as there are no bonds or other obligations of the School Board outstanding that are payable from the proceeds of such levy. Any termination, repeal or reduction of the surtax levy shall be effective as of December 31 of the year in which the resolution of the School Board is approved.

Section 3. Administration. The surtax levied hereby shall be collected, administered, and paid to the School Board by the Florida Department of Revenue pursuant to the terms of Section 212.054, Florida Statutes and such other laws as may be applicable.

Section 4. Use of Revenues; Adoption of Plan. The proceeds of the levy and collection of the surtax and any interest accrued thereto shall be expended by the School Board in accordance with the Plan for fixed capital expenditures or fixed capital costs associated with the construction and replacement, expansion and modernization of school facilities and campuses which have a useful life expectancy of five (5) or more years and any land acquisition, land improvement, design and engineering costs related thereto, including the making of lease payments under lease purchase agreements pursuant to Sections 1001.42(9)(b)(5) and 1013.15(2), Florida Statutes, and for the costs of upgrading to the newest technology, for various sites within the District as set forth in the Plan. Such proceeds and interest thereon may also be used for the purpose

of servicing bond indebtedness to finance projects authorized above. A description of the capital outlay projects to be funded by the surtax is set forth in the Plan described in Exhibit A hereto, which is hereby adopted and made a part of this Resolution as though set forth in full herein.

Section 5. Project Oversight By An Independent Committee. There is hereby authorized the establishment of an independent oversight committee of volunteers (the "Committee") for the purpose of overseeing and approving the implementation of the Plan commencing upon approval of the surtax and extending through the date of completion of the projects to be funded under the Plan. The Oversight Committee shall consist of nine volunteer citizen members who are residents of Palm Beach County. One representative each from these current standing committees: CORC, Finance, and TAG; one representative appointed by the Education Commission; one representative appointed by the League of Cities; one representative from the Black Community; one representative from the Hispanic Community; and two representatives appointed by the Business Forum. The role of the Committee in overseeing the implementation of the Plan shall constitute an integral part of the Plan and shall not be subject to repeal prior to completion of the Plan.

Section 6. Referendum; Notice of Election. The School Board hereby calls a referendum to be held throughout Palm Beach County, Florida, on the first Tuesday in November, which is November 2, 2004, for the purpose of submitting to the duly qualified electors of Palm Beach County the question set forth herein. The School Board hereby requests the Palm Beach County Board of County Commissioners (i) to approve the date for the referendum and (ii) to direct the Supervisor of Elections of Palm Beach County to place on the ballot the statement(s) contained in the "Notice of Election" attached hereto as Exhibit B, and to conduct said election pursuant to the provisions of the election laws of the State of Florida. Not less than (30) days' notice of said election shall be given by publication in a newspaper of general circulation throughout the 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, 2004 which notice shall be substantially in the form attached hereto as Exhibit B 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 Election shall be paid by the School Board.

Section 7. Official Ballot. The ballot to be used in the election to be held on November 2, 2004 shall be in full compliance with the laws of the State of Florida, and shall be in substantially the following form:

OFFICIAL BALLOT

CONSTRUCTION AND MODERNIZATION OF PUBLIC SCHOOLS THROUGH LEVY OF ONE-HALF CENT PER DOLLAR SALES SURTAX

SHALL A COMPREHENSIVE PLAN FOR PUBLIC SCHOOLS IN PALM BEACH COUNTY, FLORIDA, INCLUDING THE CONSTRUCTION OF NEW SCHOOLS, THE REPLACEMENT, EXPANSION AND MODERNIZATION OF EXISTING SCHOOLS, UPGRADING TO THE NEWEST TECHNOLOGY, AND LAND ACQUISITION BE FUNDED THROUGH THE LEVY OF A ONE-HALF CENT PER DOLLAR SALES SURTAX, BEGINNING JANUARY 1, 2005 AND, BY LAW, AUTOMATICALLY ENDING DECEMBER 31, 2010, WITH SPENDING AND PROJECT REVIEW FROM AN INDEPENDENT OVERSIGHT COMMITTEE OF VOLUNTEERS?

===== FOR THE ONE-HALF CENT TAX

===== AGAINST THE ONE-HALF CENT TAX

Section 8. Absentee Voting. Absentee 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 voting, which shall have printed thereon the question hereinabove set forth, with proper place for voting either "FOR THE ONE-HALF CENT TAX" or "AGAINST THE ONE-HALF CENT TAX" following the statement of the question aforesaid.

Section 9. Referendum Results. If a majority of the ballots cast at such election shall be "FOR THE ONE-HALF CENT TAX", the levy of such tax shall be approved and said surtax shall be levied as provided by law.

Section 10. Severability. In the event that any word, clause, phrase, 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 hereof.

Section 11. Repealing Clause. All resolutions in conflict or inconsistent herewith are hereby repealed insofar as there is conflict or inconsistency.

Section 12. Effective Date. Sections 1 through 4 of this Resolution shall be effective upon approval by a majority of votes cast by qualified electors in the referendum provided for herein and the remaining sections of this Resolution shall be effective immediately upon its adoption.

Voting for the adoption of the foregoing Resolution were members:

Paulette Burdick
Mark Hansen
Thomas Lynch
Debra Robinson

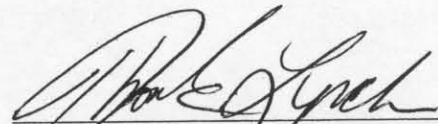
} 4/0 - Unanimous

Voting against the adoption of the foregoing Resolution were members:

None

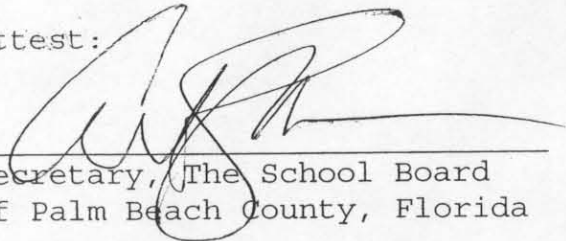
Approved by The School Board of Palm Beach County, Florida this 26th day of July 2004.

SEAL



Chairman, The School Board of Palm Beach County, Florida

Attest:


Secretary, The School Board of Palm Beach County, Florida

Approved as to form:

Laura E. Puccio for
Julianne Ricca Allison
Office of the Chief Counsel
to The School Board of Palm
Beach County, Florida

EXHIBIT A

PLAN

The following list of projects represents the new construction portion of the Proposed FY 2005 - FY 2009 Five Year Capital Plan as of June 30, 2004. These projects will be funded with the proceeds of the sales tax and other funding sources as detailed in the same Five Year Plan.

New Schools

Lake Worth Area High (03-000)
Pahokee Area Middle School (03-MM)
Palm Beach Gardens Area Elementary (03-X)
Riviera Beach Area High (02-MMM)
Royal Palm Beach Area Elem (03-W)
Scripps/Gardens Area School (04-A)
Summit/Jog Area Elem (03-Y)
Wellington Area Elem (02-U)
Wellington Area Middle (02-JJ)
West Boynton Area Elem (03-Z)
West Palm Beach Area MS (04-00)

Modernizations and Replacements

Allamanda Elem Modernization
Barton Elem Modernization
Berkshire Elem Modernization
Boca Raton Middle Modernization
Congress Middle Modernization
Forest Park Elem Modernization
Galaxy Elem Modernization
J F Kennedy Middle Modernization
Jefferson Davis Middle Modernization
John I Leonard High Modernization
North Palm Beach Elem Modernization
Northboro Elem Modernization
Palm Beach Gardens Elem Modernization
Palm Beach Gardens High Modernization
Plumosa Elem Modernization
Rolling Green Elem Modernization
Suncoast Modernization
Westward Elem Modernization

EXHIBIT A, continued

Additions and Remodeling Projects

Academies at Existing Schools
Alternative Schools Master Plan
Bak Middle School of the Arts - Auditorium
Banyan Creek Classroom Addition for Programs
Belle Glade Elem Classroom Addition for Programs
Benoist Farms Classroom Addition for Pre-K
Boca Raton High Science Bldg and Academy
Boca Raton High Stadium
Boynton Beach High Academy
Carver Classroom Addition for Programs
Cholee Lake Classroom Addition for Pre-K
Citrus Cove Classroom Addition for Programs
Crestwood Classroom Addition for Programs
Dr. Mary McLeod Bethune Classroom Addition for Pre-K
Glades Central Academy
Gove Classroom Addition for Pre-K
Indian Pines Elem Classroom Addition for Pre-K
Indian Pines Elem Addition
Indian Ridge Classroom Addition for Programs
Jerry Thomas Elem Addition
Jupiter Middle Classroom Addition for Programs
Lake Worth Middle Classroom Addition for Programs
Limestone Creek Elem Addition
Manatee Classroom Addition for Programs
North Grade Classroom Addition for Pre-K
Okeeheelee Classroom Addition for Programs
Pahokee High Stadium
Palm Beach Lakes Auditorium
Palm Beach Lakes Academy
Palm Beach Lakes Classroom Addition for Programs
Relocatables - Code Compliance
Relocatables - Walkway Canopies
Relocatables & Modulars - Replacement
Royal Palm School Classroom Addition for Programs
Santaluces High Academy
Seminole Trails Classroom Addition for Programs
South Olive Classroom Addition for Pre-K
Spanish River Auditorium
Suncoast Stadium
Village Academy High School Level
Village Academy Middle School Level
Wellington Classroom Addition for Programs

EXHIBIT A, continued

Wellington High Auditorium
West Tech Ed Ctr Modifications
Whispering Pines Classroom Addition for Programs

Site Acquisition

Site Acquisition - Existing Facilities
Site Acquisition - New Facilities

EXHIBIT B

FORM OF NOTICE OF ELECTION

**NOTICE OF ELECTION
TUESDAY, NOVEMBER 2, 2004
IN
PALM BEACH COUNTY, FLORIDA**

NOTICE IS HEREBY GIVEN THAT AN 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 THE 2nd DAY OF NOVEMBER, 2004, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY QUALIFIED ELECTORS OF PALM BEACH COUNTY, FLORIDA THE FOLLOWING QUESTION:

CONSTRUCTION AND MODERNIZATION OF PUBLIC SCHOOLS THROUGH LEVY OF ONE-HALF CENT PER DOLLAR SALES SURTAX

SHALL A COMPREHENSIVE PLAN FOR PUBLIC SCHOOLS IN PALM BEACH COUNTY, FLORIDA, INCLUDING THE CONSTRUCTION OF NEW SCHOOLS, THE REPLACEMENT, EXPANSION AND MODERNIZATION OF EXISTING SCHOOLS, UPGRADING TO THE NEWEST TECHNOLOGY, AND LAND ACQUISITION BE FUNDED THROUGH THE LEVY OF A ONE-HALF CENT PER DOLLAR SALES SURTAX, BEGINNING JANUARY 1, 2005 AND, BY LAW, AUTOMATICALLY ENDING DECEMBER 31, 2010, WITH SPENDING AND PROJECT REVIEW FROM AN INDEPENDENT OVERSIGHT COMMITTEE OF VOLUNTEERS?

_____ FOR THE ONE-HALF CENT TAX

_____ AGAINST THE ONE-HALF CENT TAX

A RESOLUTION ADOPTED BY THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA ON JULY 26, 2004, PROVIDES FOR THE IMPOSITION OF A ONE-HALF CENT SALES TAX PER DOLLAR ON ALL TAXABLE TRANSACTIONS WITHIN PALM BEACH COUNTY. THE PROCEEDS OF THE SALES SURTAX SHALL BE EXPENDED BY THE SCHOOL BOARD FOR COSTS ASSOCIATED WITH THE CONSTRUCTION AND REPLACEMENT, EXPANSION AND MODERNIZATION OF SCHOOL FACILITIES AND CAMPUSES WHICH HAVE A USEFUL LIFE EXPECTANCY OF FIVE (5) OR MORE YEARS, UPGRADES TO THE NEWEST TECHNOLOGY, AND FOR LAND ACQUISITION WITH PROJECT OVERSIGHT BY AN INDEPENDENT OVERSIGHT COMMITTEE OF VOLUNTEERS. SUCH PROCEEDS AND INTEREST THEREON MAY ALSO BE USED FOR THE PURPOSE OF MAKING LEASE PAYMENTS UNDER LEASE PURCHASE AGREEMENTS AND/OR SERVICING BOND INDEBTEDNESS TO FINANCE PROJECTS AUTHORIZED BY THE PLAN.

THE PLAN FOR USE OF THE PROCEEDS OF SUCH SURTAX IS SET FORTH IN AN EXHIBIT TO THE RESOLUTION.

IN ACCORDANCE WITH THE CONSTITUTION AND THE ELECTION LAWS OF THE STATE OF FLORIDA, ALL DULY QUALIFIED ELECTORS OF PALM BEACH COUNTY, FLORIDA SHALL BE ENTITLED TO VOTE IN THE REFERENDUM TO WHICH THIS NOTICE PERTAINS.

THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA SHALL BE AUTHORIZED TO LEVY THE TAX COVERED BY THE QUESTION STATED ABOVE IF THE QUESTION SHALL BE APPROVED BY VOTE OF A MAJORITY OF THE DULY QUALIFIED ELECTORS OF PALM BEACH COUNTY, FLORIDA VOTING THEREON.