

RESOLUTION N° R23- 009

RESOLUTION OF THE HERNANDO COUNTY SCHOOL BOARD, INITIATING THE CONFLICT RESOLUTION PROCESS PROVIDED BY CH. 164, *FLA. STAT.*, THE *FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT*, REGARDING LITIGATION FILED BY IT AGAINST HERNANDO COUNTY, THE HERNANDO COUNTY BOARD OF COMMISSIONERS, AND THE MEMBERS THEREOF.

WHEREAS, the Hernando County School Board (the “**School Board**”) adopted its Resolution N° R22-005 (the “**Surtax Resolution**”), to place a Referendum on the November 08, 2022, General Election Ballot requesting the voters approve an extension of the existing one-half percent (0.5%) School Capital Outlay Surtax currently scheduled to expire on December 31, 2025 (the “**Surtax Extension**”);

WHEREAS, the School Board forwarded the Surtax Resolution to the Hernando County Board of Commissioners (the “**County Board**”), which refused to exercise its ministerial duty to place the Referendum on the November 08, 2022, General Election Ballot, but, instead, sought to delay consideration of the Referendum by the voters until the November 05, 2024 General Election;

WHEREAS, the Hernando County School District (the “**School District**”) and the School Board, as directed by the Surtax Resolution, have filed litigation seeking to compel Hernando County (the “**County**”), the County Board, and the Members thereof, to fulfill their ministerial duty to place the Referendum on the November 08, 2022, General Election Ballot, which litigation is pending as Case N° H-27-2022-CA-000530, in the Circuit Court of the Fifth Judicial Circuit, in and for Hernando County, Florida, as *Hernando County School District, et al.*, v. *Hernando County, Florida, et al.* (the “**Litigation**”);

WHEREAS, Ch. 164, *Fla. Stat.*, the *Florida Governmental Conflict Resolution Act* (the “**Act**”), requires that the governmental parties to litigation engage in conflict resolution procedures, as specified therein, which procedures may be initiated by any governmental entity that is a party to the litigation;

WHEREAS, the Act provides for the abatement of Litigation between governmental entities during the completion of the conflict resolution procedures specified therein, and the court has entered its Order abating the Litigation;

WHEREAS, the Act, at § 164.1041(2), *Fla. Stat.*, by self-executing command, terminates the abatement upon the adoption, by a party to the litigation, of a resolution finding that immediate either danger to the health, safety, and welfare of the public, or compromise or loss of that party’s substantial rights, will result if the court proceedings do not take place before compliance with the conflict resolution proceedings provided by the Act;

WHEREAS, the School Board, pursuant to § 164.1041(2), *Fla. Stat.*, has adopted its Resolution R22-008, finding and declaring that there is an immediate danger to the health, safety, and welfare of the public and of the loss and compromise of the School Board’s significant legal rights, resulting from the abatement of the Litigation, thereby, pursuant to the Act, terminating the abatement, which Resolution is incorporated herein by reference;

WHEREAS, upon the termination of the abatement, the court proceedings and the conflict resolution proceedings continue concurrently; and

WHEREAS, notwithstanding the termination of the abatement of the Litigation, the School Board, in a spirit of cooperation, desires to initiate the conflict resolution procedures of the Act, with the hope that an amicable resolution to the Litigation can be reached.

NOW THEREFORE, upon due consideration of the above, the Hernando County School Board **FINDS** as follows:

1. A determination, either by negotiation of the parties or by court order, of the timely ballot placement issues raised by the Litigation must be in place prior

to August 19, 2022, in order to meet the noon, August 19, 2022, deadline imposed by the Supervisor of Elections for submittal of ballot language to be printed for the November 08, 2022, general election ballot.

2. In order to meet the deadline, the conflict resolution procedures of the Act must be set on a schedule that will both allow completion thereof, and permit post-mediation court action prior to the deadline if a negotiated resolution cannot be reached.

3. Accordingly, the conflict resolution procedures of the Act must be significantly compressed and expedited to meet that deadline.

NOW THEREFORE, BE IT, AND IT HEREBY IS, RESOLVED BY THE HERNANDO COUNTY SCHOOL BOARD, as follows:

A. The School Board invites the County Board to participate with it in expedited and compressed scheduling and completion of the conflict resolution procedures of the Act, concurrently with the prosecution of the Litigation.

B. Accordingly, as provided by §164.1052(1), *Fla. Stat.*, the School Board hereby authorizes and directs its Chairman and the Superintendent to communicate with the Chairman of the County Board and the County Administrator in order to schedule the accomplishment, on an expedited and compressed basis, the conflict resolution procedures of the Act.

C. This Resolution shall be filed in the Litigation, pursuant to §164.1041(1), *Fla. Stat.*, in order to initiate the dispute resolution process provided by the Act.

ADOPTED unanimously on August ____, 2022, by the Hernando County School Board, in open session at its regularly scheduled meeting of that date.

ATTEST:

Hon. John Stratton, Superintendent
Date Signed: _____

Hon. Gus Guadagnino, Board Chair
Date Signed: _____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY:

Dennis J. Alfonso, Esq., School Board Attorney
Date Signed: _____

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