

RESOLUTION N° R23- 008

RESOLUTION OF THE HERNANDO COUNTY SCHOOL BOARD, PURSUANT TO §164.1041(2) OF THE *FLORIDA GOVERNMENTAL CONFLICT RESOLUTION ACT*, FINDING AND DECLARING BOTH THAT: BOTH IMMEDIATE DANGER TO THE PUBLIC'S HEALTH, SAFETY, AND WELFARE, AND COMPROMISE TO ITS SUBSTANTIAL RIGHTS, WILL RESULT FROM THE ABATEMENT OF THE LITIGATION FILED BY IT AGAINST HERNANDO COUNTY, THE HERNANDO COUNTY BOARD OF COMMISSIONERS, AND THE MEMBERS THEREOF; AND THAT COURT PROCEEDINGS ARE REQUIRED BEFORE COMPLETION OF COMPLIANCE WITH THE ACT TO AVOID SUCH DANGER AND COMPROMISE.

WHEREAS, the Hernando County School Board (the "**School Board**") adopted its Resolution N° R22-005, to place a Referendum on the November 08, 2022, General Election Ballot requesting the voters approve a renewal 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 is required to maintain a District Educational Facilities Plan (the "**Facilities Plan**"), which must include, but is not limited to, "a financially feasible district facilities work program for a five year period" on an annually renewing, or "rolling," basis (the "**Work Program**");

WHEREAS, the Hernando County School District (the "**School District**") is experiencing substantial population growth, putting it under enormous pressure to plan and establish educational facilities and student stations to accommodate that growth;

WHEREAS, the School District has an urgent need to identify reliable and predictable sources of funds to plan for and establish those facilities;

WHEREAS, Resolution N° R22-005, specified the November 08, 2022, General Election, the next available general election, for submittal of the Referendum to the voters;

WHEREAS, the School Board forwarded the Resolution to the Hernando County Board of County 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, a delay of two (2) years in seeking approval of the voters for renewal of the one-half percent (0.5%) School Capital Outlay Surtax will inordinately delay and disrupt the School Board's ability to plan and finance both its Facilities Plan and its Work Program;

WHEREAS, the deadline for submittal of the ballot statement to the Supervisor of Elections for placement on the November 08, 2022, ballot, is noon, on August 19, 2022, in order to meet the ballot printing deadline; and

WHEREAS, the School District and the School Board have filed litigation seeking to compel Hernando County (the "**County**") and the County Board 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**").

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

1. A delay of two (2) years in the placement of the Referendum on the ballot will prevent the School Board from efficiently, accurately, and adequately planning for, and financing the needed facilities, to accommodate the anticipated growth of the student population of the School District.
2. The inability to adequately plan for accommodation of the future student needs of the School District will adversely impact the welfare of the public,

including, but not limited to, the children and students which the School District is required, by law, to serve and educate.

3. The School District has a significant and statutorily granted legal right for the Referendum to be placed, by the County Board, upon the next available ballot following the adoption of Resolution N^o R22-005, which right will be substantially and irreparably compromised by the action of the County Board seeking to delay for two (2) years the submission of the Referendum to the voters.

4. The School District offered, but the County and the County Board refused, to meet informally, prior to the filing of the Litigation, to discuss an amicable resolution to the ballot timing issue.

5. Instead, the County and the County Board have invoked the provisions of §§164.101~.1065, *Fla. Stat.*, the *Florida Governmental Conflict Resolution Act* (the “**Act**”), to abate the Litigation for the minimum of sixty (60), and up to ninety (90), days required to exhaust the procedures required thereby, pursuant to which the court has abated the Litigation.

6. If the Litigation remains abated until exhaustion of the procedural options of the Act, it will be impossible for the court to render its judgment in the Litigation in sufficient time to meet the printing deadline for submittal of the ballot statement to the Supervisor of Elections.

7. The significant rights of the School District and the School Board, and the substantial welfare of the public and the children and students served and educated by the School District, are in danger, and will be compromised, if the Litigation is abated and the court proceeding not allowed to take place before the full exhaustion and compliance with the procedural options of the Act, thereby requiring that immediate action be undertaken to complete and resolve the Litigation.

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

A. The School Board hereby finds and declares that abatement of the Litigation both creates immediate danger to the health, safety, and welfare of the public, including, but not limited to, the children and students served and educated by the School District, and results in the compromise and loss, by the School Board, of its substantial rights for early determination of the Referendum, and, in order to avoid such danger and compromise, immediate court action is required on the merits of the Litigation.

B. This Resolution shall be filed in the Litigation, pursuant to §164.1041(2), *Fla. Stat.*, to terminate the abatement thereof during the pendency of 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: _____