

RESOLUTION ORDERING AND PROVIDING FOR THE HOLDING OF A REFERENDUM ELECTION TO DETERMINE IF THE ELECTORS IN THE SCHOOL DISTRICT OF BAY COUNTY, FLORIDA, APPROVE THE LEVY BY THE SCHOOL BOARD OF BAY COUNTY, FLORIDA OF A ONE-HALF PERCENT (0.5%) SALES SURTAX IN ORDER TO FINANCE EDUCATIONAL IMPROVEMENTS AND FACILITIES; AGREEING TO COMPLY WITH THE PROVISIONS OF SECTION 212.055(6)(c), FLORIDA STATUTES; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE SCHOOL BOARD OF BAY COUNTY, FLORIDA, ACTING AS THE GOVERNING BODY OF THE SCHOOL DISTRICT OF BAY COUNTY, FLORIDA, as follows:

SECTION 1. AUTHORITY FOR RESOLUTION. This resolution is adopted pursuant to Section 212.055(6), Florida Statutes, and other applicable provisions of law.

SECTION 2. FINDINGS. It is hereby found and determined that:

(A) Section 212.055(6), Florida Statutes, authorizes school boards, such as the School Board of Bay County, Florida (the "Board"), to levy a discretionary sales surtax not to exceed one-half percent (0.5%). Such levy is subject to approval by a majority vote of the electors in the county in which the school board is located.

(B) The Board hereby determines that it is in the best interests of the School District of Bay County, Florida (the "District") and its students to levy the sales surtax authorized by Section 212.055(6), Florida Statutes, in an amount equal to one-half percent (the "Sales Surtax").

(C) The Board has heretofore determined to acquire and construct the educational improvements and facilities including the construction of new schools, addition of classrooms to existing schools, renovation of older schools, the acquisition of equipment and the retirement of related debt (collectively, the "Project").

(D) The levy of the Sales Surtax is necessary in order for the Board to be able to fund the Project. The Sales Surtax shall be used to acquire and construct the Project or pay bond indebtedness issued to finance the Project, all of which is permitted by Section 212.055(6), Florida Statutes. The levy of the Sales Surtax shall be for a period of ten (10) years beginning January 1, 2011.

(E) The Project consists of 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) years or more, and any land acquisition, land improvement, design and engineering costs associated thereto. In addition, the Project also has a component for costs of retrofitting and providing for technology implementation, including hardware and software, for various sites within the District.

(F) Section 212.055(6)(d), Florida Statutes, provides that if the Sales Surtax is approved by a majority vote of the electors, this Board shall implement a freeze on non-capital local school property taxes, at the millage rate imposed in the year prior to the implementation of the Sales Surtax, for a period of at least three years from the date of imposition of the Sales Surtax; this provision shall not apply to existing debt service or required state taxes.

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SECTION 3. DESCRIPTION OF PROJECT AND PLAN FOR USE OF SURTAX REVENUES. The Board hereby adopts a plan for the use of the Sales Surtax revenues, which plan provides for the use of such revenues to pay any portion of the costs of the Project as described in Exhibit A attached hereto and as further described in the findings provided in Section 2 hereof. In accordance with the plan for the use of the surtax revenues herein adopted, at the subsequent option of the Board, surtax revenues may be used for the purpose of (I) paying any portion of the costs of the Project, (ii) servicing bond indebtedness the proceeds of which are used to finance any portion of the costs of the Project, and (iii) the making of lease payments pursuant to lease purchase agreements for the acquisition of any portion of the Project. The specific projects to be funded with the proceeds of the surtax may be modified from time to time as the Board determines to be in the best interest of the citizens of Bay County.

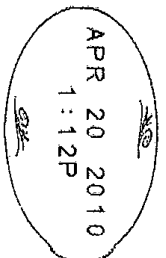
SECTION 4. LEVY OF SALES SURTAX. Subject to approval of the electors of the District, the Board hereby levies the Sales Surtax in an amount equal to one-half percent (0.5%). The Sales Surtax shall end on December 31, 2021. No proceeds of the Sales Surtax nor any interest accrued thereon shall be used for operational expenses. If the Sales Surtax shall be approved by referendum, the Board shall comply with Section 212.055(6)(c), Florida Statutes.

SECTION 5. ELECTION ORDERED. A special referendum election be and is hereby ordered to be held in the District on August 24, 2010, to determine whether or not the Board may levy of the Sales Surtax. The Board of County Commissioners shall be asked to place such question on the ballot in accordance with Section 212.055(6)(b), Florida Statutes.

SECTION 6. NOTICE OF ELECTION. The Superintendent in connection with the Supervisor of Elections shall publish notice of the referendum in the manner and at the times required by Florida law.

SECTION 7. PLACES OF VOTING; INSPECTORS AND CLERKS. The polls will be open at the voting places on the date of such referendum election from 7:00 a.m. until 7:00 p.m. All qualified electors residing within the District shall be entitled and permitted to vote at such referendum election on the proposition provided herein. The places of voting and the inspectors and clerks of the referendum election shall be those designated by the Supervisor of Elections of Bay County in accordance with law.

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SECTION 8. OFFICIAL BALLOT. The ballots to be used in the referendum election shall contain a statement relating to the levy of the Sales Surtax, and shall be in substantially the following form:

OFFICIAL BALLOT

School District of Bay County, Florida  
Referendum Election - August 24, 2010

REFERENDUM REGARDING LEVY OF SALES SURTAX BY  
SCHOOL BOARD TO FINANCE TECHNOLOGY AND  
EDUCATIONAL FACILITIES.

Shall the half-cent sales surtax be levied for ten (10) years in Bay County to provide for the Acquisition of equipment and technology creating a 21<sup>st</sup> Century learning environment; Renovation of older schools; Construction of additional classrooms to existing schools; Construction of new schools as necessary; and Retirement of related debt.

\_\_\_\_\_ Yes = For the 0.5 cents (1/2%) sales tax

\_\_\_\_\_ No = Against the 0.5 cents (1/2%) sales tax

SECTION 9. ABSENTEE VOTING. Adequate provision shall be made for absentee and early voters. The form of ballots to be used in such referendum election for absentee and early voters shall be the same as used at the polling places for such election.

SECTION 10. PRINTING OF BALLOTS. The Supervisor of Elections of Bay County is authorized and directed to have printed on plain white paper a sufficient number of the aforesaid ballots for use of absentee electors entitled to cast such ballots in such referendum election and shall also have printed sample ballots and deliver them to the inspectors and clerks on or before the date and time for the opening of the polls for such referendum election for the voting places; and, further, is authorized and directed to make appropriate arrangements for the conduct of the election at the polling places specified.

SECTION 11. ELECTION PROCEDURE. The Supervisor of Elections shall hold, administer and conduct the referendum election in the manner prescribed by law for holding elections in the District. Returns shall show the number of qualified electors who voted at such 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 hereof 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 13. REPEALING CLAUSE. All resolutions in conflict or inconsistent herewith, including the Resolution adopted by the Board on January 13, 2010, are repealed insofar as there is conflict or inconsistency.

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SECTION 14. EFFECTIVE DATE. This resolution shall take effect immediately upon its adoption. However, the surtax authorized hereunder shall only be effective upon approval by a majority vote of the electors of Bay County.

ADOPTED at a Regular Meeting this 14<sup>th</sup> day of April, 2010.

SCHOOL BOARD OF BAY COUNTY,  
FLORIDA, ACTING AS THE GOVERNING  
BODY OF THE BAY COUNTY SCHOOL  
DISTRICT

(SEAL)

By: Ginger Littleton  
Ginger Littleton, Chairman

ATTEST:

[Signature]  
Superintendent/Secretary

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY:

[Signature]  
School Board Attorney

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